



David B. Cohen  
Mayor

## CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development

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Public Hearing Date:	June 2, 2009
Land Use Action Date:	August 4, 2009
Board of Aldermen Action Date:	August 10, 2009
90-Day Expiration Date:	August 31, 2009

DATE: May 29, 2009

TO: Board of Aldermen

FROM: Michael Kruse, Director of Planning and Development  
Candace Havens, Chief Planner  
Alexandra Ananth, Senior Planner  
Benjamin Solomon-Schwartz, Senior Planner

SUBJECT: **Petitions #135-09, #136-09, #137-09, #138-09, #139-09, #140-09 & #141-09** for  
SPECIAL PERMIT/SITE PLAN APPROVAL to increase the Floor Area Ratio  
(FAR) of conforming and nonconforming structures.

CC: Mayor David B. Cohen

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.



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### **EXECUTIVE SUMMARY**

In the past several years, members of the Board of Aldermen and others have voiced concerns about **Footnote 7 of Section 30-15, Table 1** (*the so-called 50% demo rule*) of the City's Zoning Ordinance. Part (3) of that footnote had been interpreted as providing an exemption from Floor Area Ratio (FAR) controls when 50% or less of an existing structure was demolished. It read: ***"FAR requirements shall apply only to...(3) reconstruction where more than fifty (50) percent of an existing structure is demolished..."*** Although the language refers to reconstruction not all construction, in practice it was too often used as a "loophole" by those seeking significant enlargements of existing homes without regard to FAR limitations.

The Zoning and Planning Committee considered various approaches to addressing the loophole created by the 50% demolition provision. In 2006, the issue was referred to the Zoning Task Force for further study, resulting in Petition #108-07, which recommended amendments to define "50% demolition" and to limit the size of expansions. Petition #108-07 was heard on January 28, 2008 and again on June 23, 2008 (this hearing was closed September 8, 2008). In working sessions in the fall of 2008, the Zoning and Planning Committee indicated interest in eliminating Footnote 7 in its entirety and a new hearing on the item was held on February 23, 2009. The Board then voted to delete Section 30-15, Table 1, Footnote 7 in its entirety (*Ordinance Z-44, dated March 16, 2009 and effective April 6, 2009*). ***With removal of the Footnote 7 exemptions, FAR requirements now apply to all additions and enlargements to existing single- and two-family structures, regardless of scale.***

Prior to the deletion of Footnote 7, several homeowners had prepared plans based on the assumption that FAR limits would not apply to them only to learn as they finalized their plans to obtain a building permit that they are now subject to such limits. Certain people have contacted the Planning and Inspectional Services Departments, and Aldermen to express their frustration with the change. After several discussions among the parties and review of the scope and impact on homeowners and possible remedies, two items have been docketed (May 18, 2009 Docket), each of which would offer some form of assistance to those seeking relief from FAR controls.

**Docket item #142-09** proposes *temporary and minor relief* to those who have prepared plans with modest additions based on the "old" Zoning Ordinance while a longer term refinement of the FAR regulations is considered. **Docket item #108-07(3)** would suspend/ rescind the deletion of the footnote and allow the exemptions again. ***These two items are scheduled for public hearing before the Zoning and Planning Committee of the Board of Aldermen on Monday, June 8, 2009.*** A separate **Docket item #142-09(2)** proposes a resolution to request that the Director of Planning and Development conduct a study over the next year to review and analyze FARs for residential structures and make recommendations for amendments to various definitions and dimensional regulations to encourage residential structures that are compatible within their neighborhood contexts.

All of the following petitions are before the Land Use Committee as a result of the removal of Footnote 7. Six of the seven petitions are already legally nonconforming with respect to FAR and seek special permits to further increase their nonconformities; the petition for 26 Acacia Avenue is currently conforming with respect to FAR but is seeking a special permit to exceed the allowed FAR. If the petitioners had filed for building permits prior to advertisement of the

public hearing of the text amendment to remove Footnote 7, five of the seven have no other issues and would have been able to construct their proposed additions by right. If the proposed zoning text amendment included with Docket item #142-09 is approved by the Board of Aldermen following the June 8 public hearing, only the FAR request for 124 Allerton Road would be allowed by right. All other petitions propose additions larger than the proposed fix would allow or already exceed the proposed cap and would require special permit relief in either case.

***The Planning Department recommends that the Land Use Committee visit each of the subject properties prior to their June 2 public hearing to enable consideration of these petitions at working sessions that could immediately follow the hearings.***

Summary of Projects										
Address	Zone	Lot Area (sq. ft.)	Existing House Size (sq. ft.)	Proposed Addition (sq. ft.)	Proposed House Size (sq. ft.)	By- Right FAR	Existing FAR	Proposed FAR	By-Right With Proposed #142-09 (if approved)	Description of Addition
124 Allerton Road	SR2	7,545	2,289	340	2,630	0.30	0.303	0.349	Yes	2-story addition on side
20 Chestnut Hill Terrace	SR1	8,800	2,328	472	2,800	0.25	0.265	0.318	No	1-story addition in rear
169 Oliver Road	SR2	6,000	1,860	675	2,535	0.30	0.310	0.423	No	2-story addition in rear
17 Wilde Road	SR2	4,800	1,754	486	2,240	0.30	0.365	0.467	No	2-story addition in front
204 River Street	SR3	3,064	1,330	145	1,474	0.35	0.434	0.481	No	2nd floor on existing floor in front
25 Bothfeld Road	SR2	7,240	2,259	414	2,673	0.30	0.312	0.369	No	2-story addition in rear
26 Acacia Avenue	SR1	11,031	2,632	868	3,500	0.25	0.239	0.317	No	2nd floor on garage & 2-story in rear
19 Glen Road (approved 5/19/09)	SR2	6,800	2,569	330	2,898	0.30	0.378	0.426	No	2-story addition on side

## I. SIGNIFICANT ISSUES FOR CONSIDERATION

When considering these requests, the Board should consider whether the increases in FAR would be consistent with and not in derogation of the size, scale and design of other structures in the surrounding neighborhoods.

## II. PROJECT DESCRIPTIONS

The second half of this memo provides details on each of the seven projects to be presented at the June 2, 2009 public hearing. These narratives include a description of each property in its surrounding neighborhood context and a description of each of the proposed projects.

## III. COMPREHENSIVE PLAN

The *2007 Newton Comprehensive Plan* encourages preservation of existing neighborhoods. In general, these petitions propose minor alterations to existing single-family homes designed to improve their livability by current and future residents with minimal impact on the surrounding neighborhood and thereby help preserve the character of their respective neighborhoods. All proposed additions appear to be in keeping with the scale of existing structures and neighborhoods and not in derogation of the size, scale and design of other structures in the neighborhood.

## IV. TECHNICAL REVIEW

Technical Considerations (Section 30-15). Zoning Review Memorandums are attached at the end of each individual project report.

## V. ZONING RELIEFS SOUGHT

Based on the completed Zoning Review Memoranda, the petitioners are seeking approvals for the following zoning relief:<sup>\*</sup>

- Section 30-15, Table 1, Footnote 5, to allow a FAR beyond the by-right thresholds specified in Table 1;<sup>\*\*</sup>
- Section 30-23, for site plan approval; and
- Section 30-24, for approval of special permit.

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<sup>\*</sup> Some projects are seeking additional relief, which is discussed in the attached project reports.

<sup>\*\*</sup> Although the petitioners may seek relief under Section 30-21(a)(2)(b) and 30-21(b), for an expansion of a nonconforming structure with respect to FAR, findings under Section 30-15 are more applicable to the proposed petitions.

## FINDINGS AND CONDITIONS

When taking action on the following proposals, the Land Use Committee should determine whether the proposed increases in FAR are consistent with and not in derogation of the size, scale and design of other structures in the neighborhood. If, after hearing public testimony and considering information provided by the petitioners and City staff, the Committee is prepared to take action on any of these proposals; it may wish to include the following additional findings:

- The structure as expanded will not adversely affect the neighborhood;
- Major topographical changes, tree and soil removals have been avoided, and existing vegetation is sufficient;
- Approval of an increase in FAR is appropriate in the neighborhood context, as the house is in scale with others in the immediate vicinity; and
- The proposed addition is consistent with the goals of the *2007 Newton Comprehensive Plan* because it is a modestly-sized addition to a single-family residence that helps preserve the character of the existing neighborhood while allowing occupants the flexibility to meet the housing needs of today's families.

Should the Committee wish to recommend approval of the proposed petitions, upon making the appropriate findings, staff recommends the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this special permit/ site plan approval shall be located and constructed consistent with the plans entitled (plan references to be inserted later).
2. No building permit shall be issued pursuant to this special permit/site plan approval until the petitioners have:
  - a. recorded a certified copy of this board order for the approved special permit/site plan with the Registry of Deeds for the Southern District of Middlesex County; and
  - b. filed a copy of such recorded board order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
3. No occupancy permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:
  - a. filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect and registered engineer certifying compliance with Condition #1.
  - b. submitted to the City Engineer final as-built, record site engineering, utilities, grading and drainage plans in both digital format and hard copy.
  - c. submitted to the Director of Planning and Development, final as-built plans in digital format.

## 124 ALLERTON ROAD

Petition #135-09 of KENNETH S. LEONETTI & SUSAN AMSTER for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE to construct an addition to the east side of an existing single-family dwelling, increasing the legally nonconforming floor area ratio from .303 to .348, and to allow two existing parking spaces in the setback at 124 ALLERTON ROAD, Ward 6, NEWTON HIGHLANDS on land known as Sec 52, Blk 26, Lot 8, containing approx 7,550 sf of land in a district zoned SINGLE RESIDENCE 2.

### A. Site, Neighborhood and Zoning

124 Allerton Road is a 7,545 sq. ft. lot located off of Centre Street between Newton Centre and Newton Highlands. The site is improved with a 2½-story single-family Victorian-style residence and is located within a Single Residence 2 District. The neighborhood is almost exclusively comprised of single-family residences (*SEE ATTACHMENTS "A" AND "B"*) and single-family residences about the subject property on all sides. The majority of residences were built between 1890 and 1910, and most of the lots are between 9,300 and 11,800 sq. ft. Victorian architecture dominates the neighborhood, although a variety of early twentieth century architectural styles also are represented. The majority of lots in the immediate vicinity have floor area ratios between 0.23 and 0.29 (*SEE ATTACHMENT "C"*).



124 Allerton Road is the smallest lot in the immediate neighborhood and contains one of the smaller houses in the neighborhood. The lot is relatively level and contains a two-car asphalt parking area mostly located in the front setback. There is no garage on-site. The Chief Zoning Code Official notes that the driveway on this site is not large enough to provide at least one parking space outside the front or side setback, but that it is possible that this situation is pre-existing nonconforming and may remain as such. If it is determined that the driveway is not legally nonconforming then the petitioners must obtain a special permit per Section 30-19(m) for two parking spaces within the front setback. The petitioners were encouraged to seek this relief as a precaution at the time of seeking a special permit to exceed FAR controls.

Although the lot is the smallest in the neighborhood, the ell-shaped Victorian-style house appears in scale with immediate neighbors. The lot is nonconforming with respect to size and frontage and the structure is nonconforming with regards to FAR. The petitioners need a special permit under Section 30-15, Table 1, Footnote 5 to allow an FAR beyond the by-right threshold specified in Table 1 and to seek relief from Section 30-19(g)(1)

and 30-19(m) for parking in the front setback *if* the current configuration is not legally nonconforming.

B. Project Descriptions and Analysis

No changes to the use of the single-family residence are proposed. The petitioners are proposing to add a 2½-story addition to the existing ell side of their house. The existing roofline would be extended for the new addition and siding and roofing materials are proposed to match existing. The addition would add 340 sq. ft. to the 2,160 sq. ft. structure (2,630 sq. ft. total) and increase FAR from .304 to .35 (where .3 is allowed) while increasing the footprint by 170 sq. ft. Proposed changes include a new mudroom and kitchen expansion on the first floor and enlarged master bedroom above. The addition will also include a new entrance and front porch with pitched roof and details to match the existing front porch, and a storage shed off of the front side. The petitioners also propose a small rear porch with decorative trellis overhead and steps leading down to the back yard.

Parking and circulation will not change in any way. The petitioners submitted a landscape plan as part of their petition, which includes a new privacy hedge to be planted on the side lot line adjacent to the proposed addition. An existing hemlock tree and tall lilac bushes will remain.

The proposed addition does not encroach into the minimum side yard setback and will match the Victorian details of the existing structure. The petitioners will not be significantly impacting their lot coverage and open space ratios and will retain most of their usable yard space. The Newton Historical Commission waived the delay of demolition involved in the project on October 16, 2007 contingent on construction according to plans submitted at that time.

C. Project-Specific Findings and Conditions

In addition to the findings listed in Section VI in the Summary of Projects of this report, the Land Use Committee may wish also to consider the following site-specific findings:

- The site plan and parking configuration showing two parking stalls located in the front setback presents no nuisance or serious hazard to vehicles or pedestrians;
- Approval of an FAR of .35 where .3 is allowed is appropriate in the neighborhood context, as the house is in scale with others in the immediate vicinity.

No conditions are recommended beyond those previously noted in Section IV of the Summary of Projects.

**ATTACHMENTS**

<b><i>ATTACHMENT A:</i></b>	<i>ZONING MAP</i>
<b><i>ATTACHMENT B:</i></b>	<i>LAND USE MAP</i>
<b><i>ATTACHMENT C:</i></b>	<i>NEIGHBORHOOD COMPARISON CHART</i>
<b><i>ATTACHMENT D:</i></b>	<i>ZONING REVIEW MEMORANDUM, DATED MAY 11, 2009</i>



# Attachment A Zoning Map

## 124 Allerton Road and Vicinity

*City of Newton,  
Massachusetts*

### Legend

- Building Outlines
- Single Res. 1
- Single Res. 2
- Single Res. 3
- Business 1
- Business 2
- Business 4
- Business 5
- Limited Manufacturing
- Manufacturing
- Multi-Res. 1
- Multi-Res. 2
- Multi-Res. 3
- Multi-Res. 4
- Mixed Use 1
- Mixed Use 2
- OS/Rec.
- Public Use



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

0 25 50 100 150  
Feet













**MAP DATE: May 27, 2009**

# Attachment B Land Use Map

## 124 Allerton Road and Vicinity

*City of Newton,  
Massachusetts*

### Legend

-  Building Outlines
-  Single Family Residential
-  Two Family Residential
-  Condominiums
-  Other Residential
-  Mixed Use
-  Commercial
-  Industrial
-  Vacant Land
-  Golf Course
-  Open Space
-  Private Educational
-  Nonprofit Organizations
-  Public Housing
-  Tax Exempt
-  Unspecified



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**MAP DATE: May 27, 2009**




Existing Conditions and Context for 124 Allerton Road (within 300')							
Lot Size		Lot Size	FAR				
Average	11,178	2,703	0.254		Note: FAR estimates are based on Newton assessors' data. Figures may not match those provided by the petitioners and used in the summary of petitions above.		
10th Percentile	8,271	2,187	0.180				
25th Percentile	9,342	2,483	0.227				
Median	10,640	2,664	0.254				
75th Percentile	11,800	2,896	0.287				
90th Percentile	15,092	3,233	0.334				
Address	Street	Land Use	Zoning	Lot Size (ft)	Living Area	Attached Garage	FAR Estimate
86	ALLERTON RD	Single-family	SR3	8250	2123	0	0.257
91	ALLERTON RD	Single-family	SR3	10480	2656	0	0.253
109	ALLERTON RD	Single-family	SR2	17418	2483	0	0.143
115	ALLERTON RD	Single-family	SR2	15215	3189	0	0.21
118	ALLERTON RD	Single-family	SR2	7974	2502	0	0.314
119	ALLERTON RD	Mixed-use	SR2	11800	2734	0	0.232
121	ALLERTON RD	Single-family	SR2	11360	2687	0	0.237
124	ALLERTON RD	Single-family	SR2	7550	2164	0	0.287
127	ALLERTON RD	Single-family	SR2	10829	3041	0	0.281
128	ALLERTON RD	Single-family	SR2	12390	3578	0	0.289
137	ALLERTON RD	Single-family	SR2	10999	2349	0	0.214
138	ALLERTON RD	Two-family	SR2	13118	2896	0	0.221
146	ALLERTON RD	Single-family	SR2	11730	3244	0	0.277
151	ALLERTON RD	Single-family	SR2	17277	2280	0	0.132
154	ALLERTON RD	Single-family	SR2	10760	2849	0	0.265
1469	CENTRE ST	Condo (2-family)	SR2	11517	3857	0	0.335
1471	CENTRE ST	Single-family	SR2	9342	3181	0	0.341
1480	CENTRE ST	Single-family	SR3	9430	2549	0	0.27
1483	CENTRE ST	Single-family	SR2	10182	1915	399	0.227
1489	CENTRE ST	Single-family	SR2	8100	2724	0	0.336
1490	CENTRE ST	Single-family	SR3	9790	2488	0	0.254
1495	CENTRE ST	Single-family	SR2	8353	2858	0	0.342
1498	CENTRE ST	Single-family	SR3	10640	2624	0	0.247
1501	CENTRE ST	Single-family	SR2	11150	2664	0	0.239
1504	CENTRE ST	Single-family	SR3	9860	2686	0	0.272
1507	CENTRE ST	Mixed-use	SR2	12600	2939	0	0.233
1515	CENTRE ST	Single-family	SR2	10180	2444	0	0.24
1525	CENTRE ST	Single-family	SR2	10150	3348	0	0.33
2	CLARK ST	Single-family	SR3	9270	1667	0	0.18
12	CUSHING ST	Single-family	SR2	8870	2460	0	0.277
20	CUSHING ST	Single-family	SR2	8920	2844	0	0.319
15	ROGERS ST	Single-family	SR2	14600	2646	0	0.181
15	ROTHERWOOD RD	Single-family	SR3	18782	2536	0	0.135

# *Zoning Review Memorandum*

## ATTACHMENT D

Dt: May 11, 2009

To: John Lojek, Commissioner of Inspectional Services

Fr: Eve Tapper, Chief Zoning Code Official  
Candace Havens, Chief Planner 

Cc: Michael Kruse, Director, Department of Planning and Development  
Kenneth Leonetti and Susan Amster, property owners  
Ouida Young, Associate City Solicitor

**RE: Request to allow an increase in FAR.**

### **Applicant: Kenneth Leonetti & Susan Amster**

<b>Site:</b> 124 Allerton Road	<b>SBL:</b> Section 52, Block 26, Lot 8
<b>Zoning:</b> SR-2	<b>Lot Area:</b> 7,545 square feet
<b>Current use:</b> Single-family residence	<b>Proposed use:</b> Single-family residence

### **Background:**

The subject property consists of a 7,545 square foot lot currently improved with a single-family residence. The applicants are proposing to add a small addition onto the east side of the house.

### **Administrative determinations:**

- Attachment A
1. The property is in an SR-2 zone and must comply with the dimensional standards of Section 30-15, Table 1 for a pre-1953 lot (see chart below). The applicants are proposing to construct a 338 sq. ft. two-story addition.

SR-2 Zone	Required/Allowed	Existing <sup>1</sup>	Proposed
Lot size	10,000 sq. ft.	<b>7,545 sq. ft.</b>	N/C
Frontage	80 feet	<b>70 ft</b>	N/C
Setbacks			
• Front	25 feet	N/A	N/C
• Side	7.5 feet	N/A	7.6 feet
• Rear	15 feet	N/A	33.7 feet
FAR	.3	<b>.303</b>	<b>.348</b>
Building Height	30 feet	25 feet	25 feet
Maximum Stories	2.5	N/A	N/C
Max. Lot Coverage	30%	N/A	18.3%
Min. Open Space	50%	N/A	70%

<sup>1</sup>No existing conditions site plan was submitted with the zoning review application. Such a plan should be prepared and submitted with the Special Permit application.

2. The subject property is legally nonconforming with respect to Floor Area Ratio. The proposed addition will increase this nonconformity. The proponent needs a Special Permit from the Board of Aldermen under Sections 30-21(a)(2)(b) and 30-21(b).

3. The proposed site plans show an existing driveway mostly within the front setback. There is no garage on site. Section 30-19(d)(1) requires two parking spaces for a single-family dwelling. Section 30-19(g)(1) regulates the location of these parking spaces. In particular, “[n]o parking stall shall be located within required setback distances from a street and sidelines, except that, in conjunction with a one- or two-family dwelling, one parking stall per dwelling unit may be located within required setback and sideline distance.” The driveway on this site is not large enough to provide at least one parking space outside of the front or side setback. However, it is possible that this situation may be pre-existing nonconforming. If this is the case, then it may remain. Proof of that this condition is legally nonconforming should be submitted with the special permit application. If it is determined that the driveway is not legally nonconforming then the proponents must obtain a special permit per Section 30-19(m) for two parking spaces within the front setback.
4. See “Zoning Relief Summary” below:

<i><b>Zoning Relief Summary</b></i>		
<i><b>Ordinance</b></i>	<i><b>Site</b></i>	<i><b>Action Required</b></i>
§30-21(a)(2)(b), 30-21(b)	Increase nonconformity with respect to FAR	SP per §30-24
§30-19(g)(1), 30-19(m)	Parking in the front setback if current configuration is not legally nonconforming	SP per §30-24

Plans and materials reviewed:

- “Plan of Land in Newton, MA , 124 Allerton Road, Proposed Conditions,” dated October 9, 2007, revised 5/11/09, signed and stamped by Bruce Bradford, Professional Land Surveyor
- “Plan of Land in Newton, MA to accompany the petition of Kenneth S. Leoneti & Susan L. Amster, 124 Allerton Road, Newton, MA,” dated May 11, 2009, signed and stamped by Bruce Bradford, Professional Land Surveyor
- Architectural Plans for “Addition and Renovation to Amster-Leonetti Residence, 124 Allerton Road, Newton, MA” drawn by Marcie Scudder as follows all dated October 5, 2007, revised January 23, 2009
  - “A-1 Basement Plan”
  - “A-2 First Floor Plan”
  - “A-3 Second Floor Plan”
  - “A-4 Front Elevation”
  - “A-5 Side Elevation”
  - “A-6 Rear Elevation”



## 20 CHESTNUT HILL TERRACE

Petition #136-09 of PETER & ENID LEVANGIE for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NONCONFORMING STRUCTURE to construct a one-story addition onto the rear of an existing single-family dwelling, increasing the legally nonconforming floor-area ratio from .26 to .32, at 20 CHESTNUT HILL TERRACE, Ward 7, CHESTNUT HILL, on land known as Sec 63, Blk 28, Lot 18, containing approximately 8,800 sf of land in a district zoned SINGLE RESIDENCE 1.

### A. Site, Neighborhood and Zoning

20 Chestnut Hill Terrace is an 8,800 sq. ft. “through” lot which faces Chestnut Hill Terrace, but also has frontage on Gate House Road in Chestnut Hill. The site is improved with a 2½-story single-family Colonial-style residence and is located within a Single Residence 1 District. The neighborhood is exclusively comprised of single-family residences (*SEE ATTACHMENTS “A” AND “B”*).

The majority of residences were built around 1930 and lot sizes vary widely between 8,700 and 15,000 sq. ft. Colonial and Tudor architecture dominate the neighborhood, although a variety of twentieth century architectural styles also are represented. The majority of lots in the immediate vicinity have FARs between 0.16 and 0.35, reflecting the diversity in lot sizes (*SEE ATTACHMENT “C”*).

20 Chestnut Hill Terrace is significantly smaller than the average lot in the immediate neighborhood, but reflects the average home size. The lot is sloped with the high point along Gate House Road where there is a detached two-car garage.

Although the lot is small for the neighborhood, the brick Colonial house appears in scale with immediate neighbors. The lot is nonconforming with respect to size and frontage and the structure is nonconforming with regards to front and side setbacks and FAR. The petitioners need a special permit under Section 30-15, Table 1, Footnote 5 to allow an FAR beyond the by-right threshold specified in Table 1 and will also need to obtain a variance from the Zoning Board of Appeals, as the proposed project would exceed the maximum allowed lot coverage.



B. Project Description and Analysis

No changes to the use of the single-family residence are proposed. The petitioners propose a one-story addition to the rear of the existing house facing Gate House Road of 472 sq. ft. that would tie into the existing sun porch/sitting room and rear of the house to incorporate a TV room, expanded kitchen and mudroom. The existing roofline of the sitting room would be extended for the new addition with a modified pitch at the area over the proposed expanded kitchen. The addition will be inset slightly from the existing sitting room. Siding and roofing materials are proposed to match existing clapboard dormers. The square footage would increase from 2,328 to 2,800 and increase FAR from .26 to .32 where .25 is allowed.

Parking and circulation would not change in any way. The Planning Department notes that a portion of a site plan submitted shows some minor re-grading of the yard between the proposed addition and existing garage which will be restored with appropriate landscaping.

Although the addition will not be visible from a public way, Gate House Road is part of the Chestnut Hill Historic District and the proposed design received final approval from the Commission on March 19, 2009. The approval included conditions related to the replacement of the windows. (In addition, the Commission approved a previous design on October 16, 2008. The Commission felt that the October design had greater merit in terms of its relationship to the historic context. However, the petitioners decided not to pursue that design in part because of its zoning implications.)

The proposed addition will add 470 sq. ft. to the footprint and will take up most of the usable rear yard due to the slope of the site. The proposed structure with addition will remain smaller than the average house in the neighborhood. The proposed addition does not encroach into the minimum side yard setback and will match the details of the existing structure. In addition to a special permit to exceed FAR the petitioners will need a variance from the Zoning Board of Appeals to exceed the maximum allowed lot coverage.

C. Project-Specific Findings and Conditions

In addition to the findings listed in Section VI in the Summary of Projects of this report, the Land Use Committee may wish also to consider the following site-specific findings:

- The Chestnut Hill Historic District Commission issued a Certificate of Appropriateness for this proposal, testifying to its appropriateness for this historic neighborhood.
- Approval of an FAR of .32 where .25 is allowed is appropriate in the

neighborhood context as the house is in scale with others in the immediate vicinity.

The Land Use Committee should also consider the following condition:

- No building permit shall be issued until the petitioner receives a variance from the Zoning Board of Appeals to exceed the maximum allowed lot coverage.

**ATTACHMENTS**

***ATTACHMENT A:***      *ZONING MAP*  
***ATTACHMENT B:***      *LAND USE MAP*  
***ATTACHMENT C:***      *NEIGHBORHOOD COMPARISON CHART*  
***ATTACHMENT D:***      *ZONING REVIEW MEMORANDUM, DATED MAY 7, 2009*



# Attachment A Zoning Map

## 20 Chestnut Hill Terrace and Vicinity

City of Newton,  
Massachusetts

### Legend

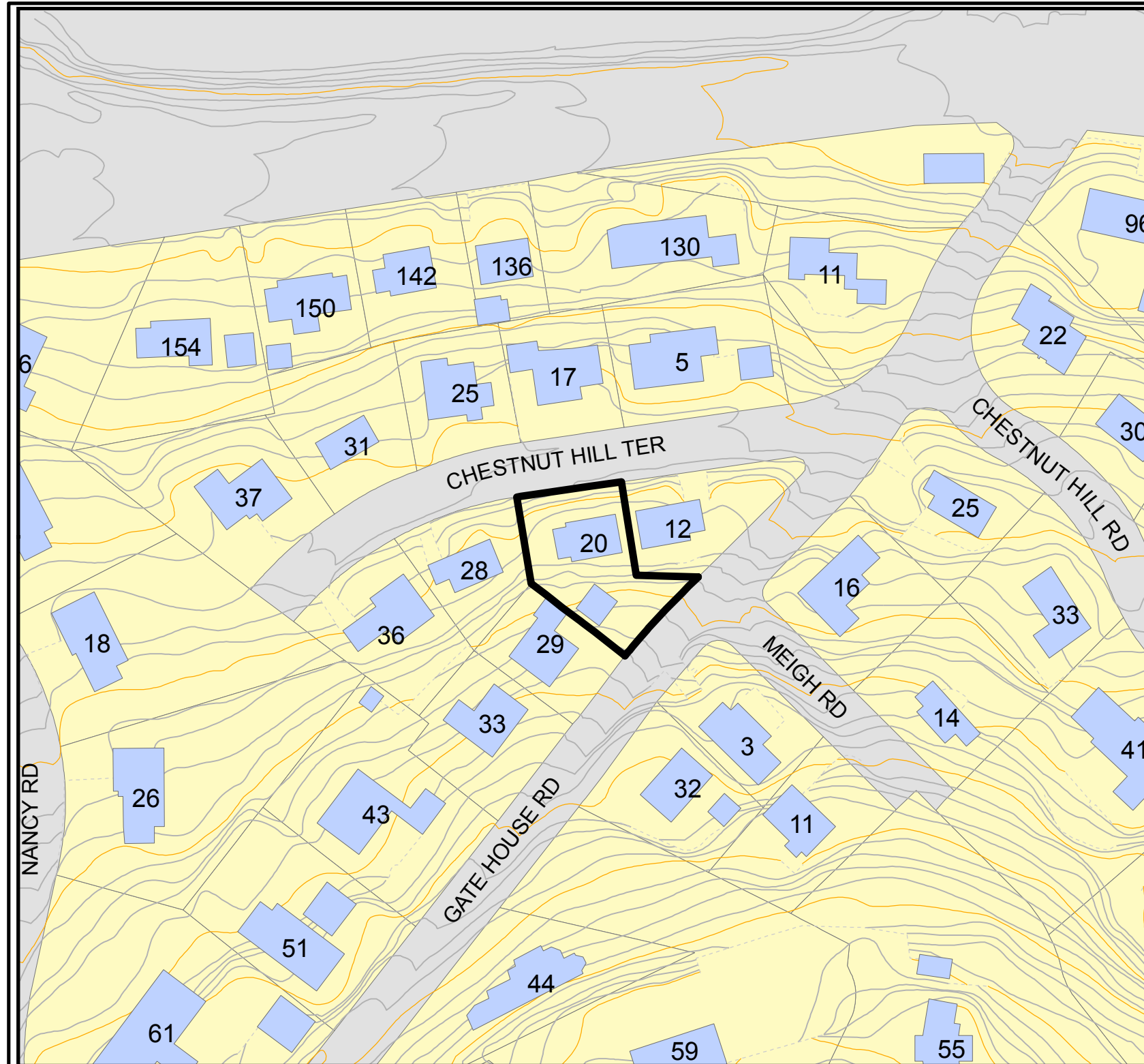
-  Building Outlines
-  Single Res. 1
-  Single Res. 2
-  Single Res. 3
-  Business 1
-  Business 2
-  Business 4
-  Business 5
-  Limited Manufacturing
-  Manufacturing
-  Multi-Res. 1
-  Multi-Res. 2
-  Multi-Res. 3
-  Multi-Res. 4
-  Mixed Use 1
-  Mixed Use 2
-  OS/Rec.
-  Public Use



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

0 25 50 100 150  
Feet

MAP DATE: May 27, 2009



# Attachment B Land Use Map

## 20 Chestnut Hill Terrace and Vicinity

City of Newton,  
Massachusetts

### Legend

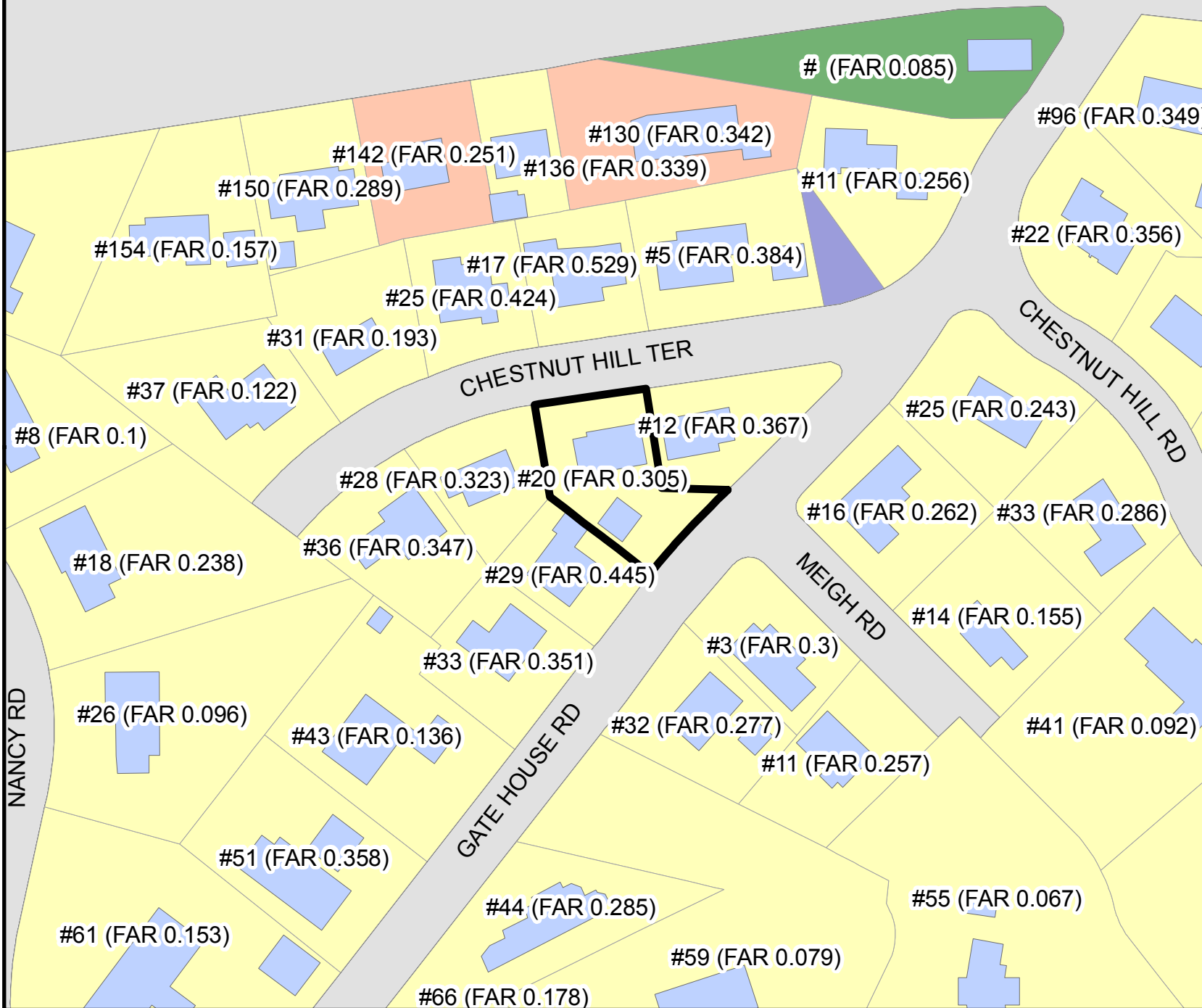
-  Building Outlines
-  Single Family Residential
-  Two Family Residential
-  Condominiums
-  Other Residential
-  Mixed Use
-  Commercial
-  Industrial
-  Vacant Land
-  Golf Course
-  Open Space
-  Private Educational
-  Nonprofit Organizations
-  Public Housing
-  Tax Exempt
-  Unspecified



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.



MAP DATE: May 27, 2009




Existing Conditions and Context for 20 Chestnut Hill Terrace (within 300')							
Lot Size		Lot Size	FAR	<i>Note: FAR estimates are based on Newton assessors' data. Figures may not match those provided by the petitioners and used in the summary of petitions above.</i>			
Average	14,124	2,903	0.265				
10th Percentile	7,621	1,798	0.094				
25th Percentile	8,767	2,196	0.157				
Median	11,102	2,673	0.281				
75th Percentile	15,029	3,386	0.348				
90th Percentile	21,985	4,411	0.404				
Address	Street	Land Use	Zoning	Lot Size (ft)	Living Area	Attached Garage	FAR Estimate
	BEACON ST	Institutional	SR1	14850	1269	0	0.085
130	BEACON ST	Institutional	SR1	14465	4521	420	0.342
136	BEACON ST	Single-family	SR1	5515	1872	0	0.339
142	BEACON ST	Institutional	SR1	8773	2204	0	0.251
150	BEACON ST	Single-family	SR1	8838	2552	0	0.289
154	BEACON ST	Single-family	SR1	16861	2648	0	0.157
11	CHESTNUT HILL RD	Single-family	SR1	12000	2666	400	0.256
22	CHESTNUT HILL RD	Single-family	SR1	11542	4109	0	0.356
25	CHESTNUT HILL RD	Single-family	SR1	11137	2701	0	0.243
30	CHESTNUT HILL RD	Single-family	SR1	7941	3542	0	0.446
33	CHESTNUT HILL RD	Single-family	SR1	11083	3168	0	0.286
41	CHESTNUT HILL RD	Single-family	SR1	28674	2636	0	0.092
5	CHESTNUT HILL TER	Single-family	SR1	12537	4808	0	0.384
12	CHESTNUT HILL TER	Single-family	SR1	7620	2796	0	0.367
17	CHESTNUT HILL TER	Single-family	SR1	7662	3677	374	0.529
<b>20</b>	<b>CHESTNUT HILL TER</b>	<b>Single-family</b>	<b>SR1</b>	<b>8800</b>	<b>2680</b>	<b>0</b>	<b>0.305</b>
25	CHESTNUT HILL TER	Single-family	SR1	7621	3228	0	0.424
28	CHESTNUT HILL TER	Single-family	SR1	6385	2063	0	0.323
31	CHESTNUT HILL TER	Single-family	SR1	10701	1867	200	0.193
36	CHESTNUT HILL TER	Single-family	SR1	8747	3031	0	0.347
37	CHESTNUT HILL TER	Single-family	SR1	14114	1724	0	0.122
55	ESSEX RD	Single-family	SR1	49699	3334	0	0.067
59	ESSEX RD	Single-family	SR1	51490	4046	0	0.079
16	GATE HOUSE RD	Single-family	SR1	11090	2910	0	0.262
29	GATE HOUSE RD	Single-family	SR1	6250	2438	342	0.445
32	GATE HOUSE RD	Single-family	SR1	9000	2496	0	0.277
33	GATE HOUSE RD	Single-family	SR1	8956	3142	0	0.351
43	GATE HOUSE RD	Single-family	SR1	16603	1878	380	0.136
44	GATE HOUSE RD	Single-family	SR1	15116	4301	0	0.285
51	GATE HOUSE RD	Single-family	SR1	15000	4770	600	0.358
3	MEIGH RD	Single-family	SR1	7985	2395	0	0.3
11	MEIGH RD	Single-family	SR1	8985	2311	0	0.257
14	MEIGH RD	Single-family	SR1	11113	1728	0	0.155
8	NANCY RD	Single-family	SR1	17336	1726	0	0.1
18	NANCY RD	Single-family	SR1	21414	5101	0	0.238
26	NANCY RD	Single-family	SR1	22556	2172	0	0.096

## Zoning Review Memorandum

ATTACHMENT D

Dt: May 7, 2009

To: John Lojek, Commissioner of Inspectional Services

Fr: Eve Tapper, Chief Zoning Code Official  
Candace Havens, Chief Planner 

Cc: Michael Kruse, Director, Department of Planning and Development  
Matthew O'Connell, architect for Peter and Enid Levangie  
Ouida Young, Associate City Solicitor

**RE: Request to allow an increase in FAR.**

### **Applicant: Peter & Enid Levangie**

<b>Site:</b> 20 Chestnut Hill Terrace	<b>SBL:</b> Section 63, Block 28, Lot 18
<b>Zoning:</b> SR-1	<b>Lot Area:</b> 8,800 square feet
<b>Current use:</b> Single-family residence	<b>Proposed use:</b> Single-family residence

### **Background:**

The subject property consists of a 8,800 square foot lot currently improved with a single-family residence. The applicants are proposing to add a one-story addition onto the rear of the house (south side facing Gate House Road).

### **Administrative determinations:**

1. The property is in the SR-1 zone and must comply with the dimensional standards of Section 30-15, Table 1 for a pre-1953 lot (see chart below).

<b>SR-1 Zone</b>	<b>Required/Allowed</b>	<b>Existing</b>	<b>Proposed</b>
Lot size	15,000 sq. ft.	<b>8,800 sq. ft.</b>	N/C
Frontage	100 feet	<b>80 feet</b>	N/C
Setbacks <ul style="list-style-type: none"><li>• Front</li><li>• Side</li><li>• Rear</li></ul>	25 feet 12.5 feet N/A	<b>20 feet</b> <b>9.9 feet</b> N/A	N/C N/C N/A
FAR	.25	<b>.26</b>	<b>.32</b>
Building Height	30 feet	N/A	N/C
Maximum Stories	2.5	2.5	2.5
Max. Lot Coverage	20%	18.4%	<b>23.9%</b>
Min. Open Space	65%	76%	71%

2. The subject property is legally nonconforming with respect to Floor Area Ratio. The proposed addition will increase this nonconformity. The proponent needs a Special Permit from the Board of Aldermen under Sections 30-21(a)(2)(b) and 30-21(b).

3. The subject property currently conforms to the dimensional standard in Section 30-15, Table 1 for maximum lot coverage. The proposed project would exceed that standard by almost 4% (20% allowed v. 23.9% proposed). Since this project would create this new nonconformity, the petitioner must obtain a variance from the Zoning Board of Appeals.
4. See “Zoning Relief Summary” below:

<b><i>Zoning Relief Summary</i></b>		
<b><i>Ordinance</i></b>	<b><i>Site</i></b>	<b><i>Action Required</i></b>
§30-21(a)(2)(b), 30-21(b)	Increase nonconformity with respect to FAR	SP per §30-24
§30-15, Table 1	Exceed maximum lot coverage	Variance from ZBA

Plans and materials reviewed:

- Memo from Peter and Enid Levangie to Inspectional Services Department Representatives of the City of Newton dated 5/6/09
- “Plan of Land in Newton, MA , 20 Chestnut Hill Terrace, Proposed Conditions,” dated March 13, 2009, signed and stamped by Bruce Bradford, Professional Land Surveyor
- “Proposed Renovations to the Levangie Residence, 20 Chestnut Hill Terrace, Chestnut Hill, MA 02467” as follows, all drawn by Matthew O’Connell and dated March 4, 2009 (unless otherwise noted)
  - T1.1 Site Plan Design Proposed Conditions, dated February 5, 2009
  - A1.0 Existing Basement Plan
  - A1.1 Existing First Floor Plan
  - A1.2 Existing Second Floor Plan
  - A1.3 Existing Third Floor Plan
  - A3.0 Proposed Basement Plan
  - A3.1 Proposed First Floor Plan
  - A3.2 Proposed Second Floor Plan
  - A3.3 Proposed Third Floor Plan
  - A4.1 Proposed Elevation Sheet

## 169 OLIVER ROAD

Petition #137-09 of CHRIS TEITLEMAN & TINA SCIOLETTI for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NONCONFORMING STRUCTURE to demolish a porch and construct a two-story addition onto the rear of an existing single-family dwelling, increasing a legally nonconforming floor area ratio from .313 to .429 at 169 OLIVER ROAD, Ward 5, WABAN, on land known as Sec 54, Blk 3, Lot 7, containing approx 6,000 sf of land in a district zoned SINGLE RESIDENCE 2.

### A. Site, Neighborhood and Zoning

169 Oliver Road is a 6,000 sq. ft. lot located off of Chestnut Street in Waban. The site is improved with a two-story, single-family, Colonial-style residence and is located within a Single Residence 2 District. The neighborhood is almost exclusively comprised of single-family residences (*SEE ATTACHMENTS "A" AND "B"*), which abut the subject property on all sides. The majority of residences were built in the 1920s and most of the lots are between 6,800 and 11,000 sq. ft. and are Colonial in style. The majority of lots in the immediate vicinity have floor area ratios between 0.22 and 0.3 (*SEE ATTACHMENT "C"*).



169 Oliver Road is among the smallest lot in the immediate neighborhood and contains one of the smaller houses in the neighborhood. The lot has a slight slope down from the southeast corner of the lot to the northwest corner. It has a one-car garage located in the northeast corner. The petitioners have already demolished a rear porch to make room for the proposed addition.



Although the lot is among the smallest in the neighborhood the house appears in scale with immediate neighbors. The lot is nonconforming with respect to size and frontage and the structure is nonconforming with regards to FAR and side yard setback. The petitioners need a special permit under Section 30-15, Table 1, Footnote 5 to allow an FAR beyond the by-right threshold specified in Table 1.

### B. Project Description and Analysis

No changes to the use of the single-family residence are proposed. The petitioners are



proposing to add a two-story addition to the rear of the house as well as a new deck. Siding and roofing materials are proposed to match existing. A total of 675 sq. ft. would be added to the 1,860 sq. ft. structure (2,535 sq. ft total) and 350 sq. ft. to its footprint, increasing its size and FAR from .31 to .43 (where .3 is allowed). The proposed addition would add a mudroom and expand the kitchen and breakfast area on the first floor, as well as to add a master suite above. The addition also includes a new rear deck with stairs leading to the rear yard. Parking and circulation would not change in any way.

Although the proposed addition will make this house among the larger in the neighborhood, some surrounding residences appear to be as large. As the addition is towards the rear and will not be visible from the street, the proposed residence should not be in derogation of the size, scale and design of other structures in the neighborhood. The proposed addition does not encroach into the minimum side or rear yard setback and will match the details of the existing structure. The petitioners will still be compliant with respect to lot coverage and open space ratios and will retain much of their usable yard space. The City's Senior Preservation Planner approved the demolition involved in the proposed plans on April 2, 2009.

C. Project-Specific Findings and Conditions

In addition to the findings listed in Section VI in the Summary of Projects of this report, the Land Use Committee may wish also to consider the following site-specific findings:

- Approval of an FAR of .43 where .3 is allowed is appropriate in the neighborhood context as the house is in scale with others in the immediate vicinity and the addition is to the rear of the structure and will not be visible to the street. Furthermore the petitioner is not further encroaching into existing side yard setbacks and will be compliant with respect to lot coverage and open space.

No conditions are recommended beyond those previously noted in Section IV of the Summary of Projects.

**ATTACHMENTS**

<b>ATTACHMENT A:</b>	<i>ZONING MAP</i>
<b>ATTACHMENT B:</b>	<i>LAND USE MAP</i>
<b>ATTACHMENT C:</b>	<i>NEIGHBORHOOD COMPARISON CHART</i>
<b>ATTACHMENT D:</b>	<i>ZONING REVIEW MEMORANDUM, DATED MAY 12, 2009</i>

# Attachment A Zoning Map

## 169 Oliver Road and Vicinity

City of Newton,  
Massachusetts

### Legend

- Building Outlines
- Single Res. 1
- Single Res. 2
- Single Res. 3
- Business 1
- Business 2
- Business 4
- Business 5
- Limited Manufacturing
- Manufacturing
- Multi-Res. 1
- Multi-Res. 2
- Multi-Res. 3
- Multi-Res. 4
- Mixed Use 1
- Mixed Use 2
- OS/Rec.
- Public Use



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

0 25 50 100 150  
Feet

MAP DATE: May 27, 2009



















# Attachment B Land Use Map

## 169 Oliver Road and Vicinity

City of Newton,  
Massachusetts

### Legend

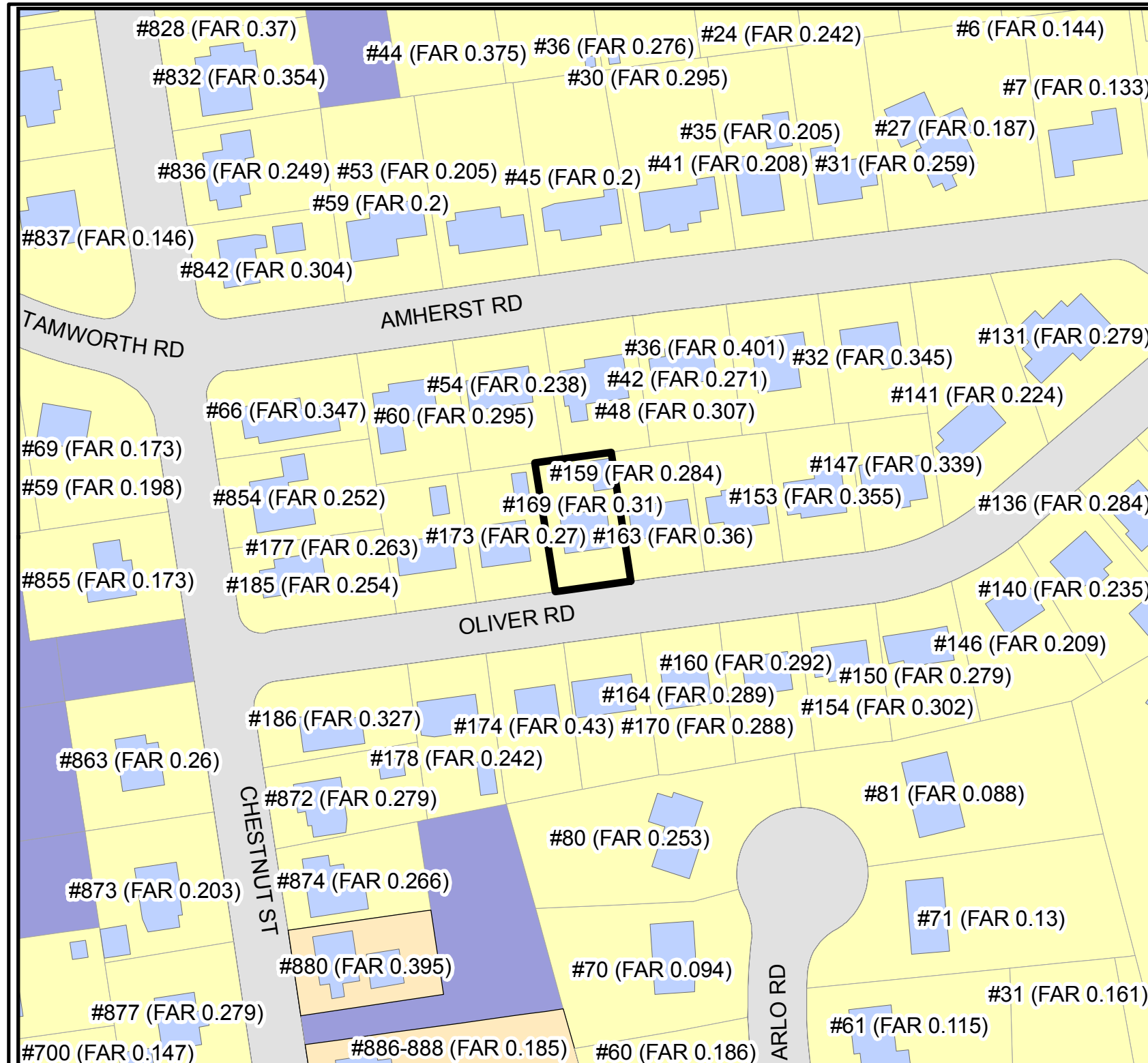
-  Building Outlines
-  Single Family Residential
-  Two Family Residential
-  Condominiums
-  Other Residential
-  Mixed Use
-  Commercial
-  Industrial
-  Vacant Land
-  Golf Course
-  Open Space
-  Private Educational
-  Nonprofit Organizations
-  Public Housing
-  Tax Exempt
-  Unspecified



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0 25 50 100 150  
Feet

MAP DATE: May 27, 2009




Existing Conditions and Context for 169 Oliver Road (within 300')							
Lot Size		Lot Size	FAR	Note: FAR estimates are based on Newton assessors' data. Figures may not match those provided by the petitioners and used in the summary of petitions above.			
Average	9,147	2,179	0.267				
10th Percentile	5,999	1,702	0.184				
25th Percentile	6,858	1,860	0.224				
Median	7,709	2,018	0.270				
75th Percentile	11,019	2,386	0.304				
90th Percentile	12,786	2,838	0.356				
Address	Street	Land Use	Zoning	Lot Size (ft)	Living Area	Attached Garage	FAR Estimate
27	AMHERST RD	Single-family	SR2	17998	3361	0	0.187
31	AMHERST RD	Single-family	SR2	8999	2070	260	0.259
32	AMHERST RD	Single-family	SR2	6999	2415	0	0.345
35	AMHERST RD	Single-family	SR2	8999	1849	0	0.205
36	AMHERST RD	Single-family	SR2	6999	2805	0	0.401
41	AMHERST RD	Single-family	SR2	11248	2119	220	0.208
42	AMHERST RD	Single-family	SR2	6999	1894	0	0.271
45	AMHERST RD	Single-family	SR2	11248	2046	200	0.2
48	AMHERST RD	Single-family	SR2	6999	1974	176	0.307
53	AMHERST RD	Single-family	SR2	11248	1968	342	0.205
54	AMHERST RD	Single-family	SR2	6999	1666	0	0.238
59	AMHERST RD	Single-family	SR2	11248	1893	360	0.2
60	AMHERST RD	Single-family	SR2	7068	2082	0	0.295
66	AMHERST RD	Single-family	SR2	7709	2297	380	0.347
70	ARLO RD	Single-family	SR2	15000	1408	0	0.094
71	ARLO RD	Single-family	SR2	19198	2498	0	0.13
80	ARLO RD	Single-family	SR2	17252	3917	441	0.253
81	ARLO RD	Single-family	SR2	19175	1692	0	0.088
836	CHESTNUT ST	Single-family	SR2	8600	1930	209	0.249
842	CHESTNUT ST	Single-family	SR2	8547	2602	0	0.304
854	CHESTNUT ST	Single-family	SR2	8159	1872	180	0.252
855	CHESTNUT ST	Single-family	SR2	10000	1734	0	0.173
863	CHESTNUT ST	Single-family	SR2	10000	2604	0	0.26
872	CHESTNUT ST	Single-family	SR2	7442	2080	0	0.279
874	CHESTNUT ST	Single-family	MR1	6523	1734	0	0.266
880	CHESTNUT ST	Two-family	MR1	7150	2245	576	0.395
30	KODAYA RD	Single-family	SR2	11019	3256	0	0.295
36	KODAYA RD	Single-family	SR2	11019	2665	380	0.276
44	KODAYA RD	Single-family	SR2	11599	3860	494	0.375
140	OLIVER RD	Single-family	SR2	9438	2218	0	0.235
141	OLIVER RD	Single-family	SR2	12233	2386	360	0.224
146	OLIVER RD	Single-family	SR2	9181	1916	0	0.209
147	OLIVER RD	Single-family	SR2	5769	1957	0	0.339
150	OLIVER RD	Single-family	SR2	6858	1916	0	0.279
153	OLIVER RD	Single-family	SR2	6068	2156	0	0.355
154	OLIVER RD	Single-family	SR2	6343	1916	0	0.302
159	OLIVER RD	Single-family	SR2	5999	1705	0	0.284
160	OLIVER RD	Single-family	SR2	6327	1850	0	0.292
163	OLIVER RD	Single-family	SR2	5999	2160	0	0.36
164	OLIVER RD	Single-family	SR2	6445	1860	0	0.289
169	OLIVER RD	Single-family	SR2	5999	1860	0	0.31
170	OLIVER RD	Single-family	SR2	6638	1910	0	0.288
173	OLIVER RD	Single-family	SR2	5999	1619	0	0.27
174	OLIVER RD	Single-family	SR2	6917	2972	0	0.43
177	OLIVER RD	Single-family	SR2	5999	1580	0	0.263
178	OLIVER RD	Single-family	SR2	7187	1736	0	0.242
185	OLIVER RD	Single-family	SR2	7956	2018	0	0.254
186	OLIVER RD	Single-family	SR2	7415	2421	0	0.327
69	TAMWORTH RD	Single-family	SR2	12000	2078	0	0.173

## *Zoning Review Memorandum*

**ATTACHMENT D**

Dt: May 12, 2009

To: John Lojek, Commissioner of Inspectional Services

Fr: Eve Tapper, Chief Zoning Code Official  
Candace Havens, Chief Planner 

Cc: Michael Kruse, Director, Department of Planning and Development  
Alan Schlesinger, representing Chris Teitleman and Tina Scioletti  
Ouida Young, Associate City Solicitor

**RE: Request to allow an increase in FAR.**

**Applicant: Chris Teitleman & Tina Scioletti**

<b>Site:</b> 169 Oliver Road	<b>SBL:</b> Section 54, Block 3, Lot 7
<b>Zoning:</b> SR-2	<b>Lot Area:</b> 6,000 square feet
<b>Current use:</b> Single-family residence	<b>Proposed use:</b> Single-family residence

**Background:**

The subject property consists of a 6,000 square foot lot currently improved with a single-family residence. The applicants are proposing to add a two-story addition onto the rear of the house.

**Administrative determinations:**

1. The property is in the SR-2 zone and must comply with the dimensional standards of Section 30-15, Table 1 for a pre-1953 lot (see chart below). The applicants are proposing to demolish a porch and construct a two-story addition.

SR-2 Zone	Required/Allowed	Existing	Proposed
Lot size	10,000 sq. ft.	<b>6,000 sq. ft.</b>	N/C
Frontage	80 feet	<b>60 feet</b>	N/C
Setbacks			
• Front	25 feet	31.6 feet	N/C
• Side	7.5 feet	<b>7.2 feet</b>	N/C
• Rear	15 feet	35 feet	27.2 feet
FAR	.3	<b>.313</b>	<b>.429</b>
Building Height	30 feet	25.95 feet	26.35 feet
Maximum Stories	2.5	2.5	2.5
Max. Lot Coverage	30%	22.5%	27.1%
Min. Open Space	50%	64.3%	56.9%

2. The subject property is legally nonconforming with respect to Floor Area Ratio. The proposed addition will increase this nonconformity. The proponent needs a Special Permit from the Board of Aldermen under Sections 30-21(a)(2)(b) and 30-21(b).

3. See “Zoning Relief Summary” below:

<b><i>Zoning Relief Summary</i></b>		
<b><i>Ordinance</i></b>	<b><i>Site</i></b>	<b><i>Action Required</i></b>
§30-21(a)(2)(b), 30-21(b)	Increase nonconformity with respect to FAR	SP per §30-24

Plans and materials reviewed:

- “Topographic Site Plan, Newton, Massachusetts showing proposed conditions at #169 Oliver Road” dated May 11, 2009, signed and stamped by Joseph R. Porter, Professional Land Surveyor
- “Area Plan, Newton, Massachusetts at #169 Oliver Road” dated May 11, 2009, signed and stamped by Joseph R. Porter, Professional Land Surveyor
- Architectural Plans for “The Teitleman-Scioletti Residence, 169 Oliver Road, Waban, MA 02468,” as follows. All drawn by Frank Shirley Architects, dated March 10, 2009
  - A-1 “Foundation Plan”
  - A-2 “First Floor Plan”
  - A-3 “Second Floor Plan”
  - A-4 “North/South Elevations”
  - A-5 “East/West Elevations”
  - AB-1 “As-Built First & Second Floor Plan”
  - AB-2 “As-Built Elevations”
  - AB-3 “As-Built Elevations”

## 17 WILDE ROAD

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Petition #138-09 of CATHERINE O'RIORDAN & LAWRENCE LICKLIDER for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NONCONFORMING STRUCTURE to demolish a portion of an existing single-family dwelling, including a converted sun porch, front entry and 2<sup>nd</sup> floor bedroom, in order to construct a two-story addition, increasing the legally nonconforming floor area ratio from .365 to .467, and to waive the front setback requirement at 17 WILDE ROAD, Ward 5, WABAN, on land known as Sec 55, Blk 24, Lot 13, containing approx 4,800 sf of land in a district zoned SINGLE RESIDENCE 2.

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### A. Site, Neighborhood and Zoning

The subject property is a 4,800 sq. ft. site located close to the intersections of Beacon and Nehoiden Streets in Waban. It is located within a Single Residence 2 District and the neighborhood is characterized by single-family residences (*SEE ATTACHMENTS "A" AND "B"*). The majority of residences were built between 1910 and 1930 and most of the lots are between 12,000 and 18,000 sq. ft. Colonial architecture is the predominant style in the neighborhood, although a variety of early twentieth century architectural styles also are represented. The lot is the smallest in the neighborhood. The majority of the lots in the immediate vicinity have floor area ratios between 0.15 and 0.27 reflecting the larger lot sizes in the neighborhood (*SEE ATTACHMENT "C"*).



The lot slopes down from the northwest corner towards the street and appears to be almost nestled into the hillside behind it. The house is also among the smallest in the neighborhood and is a 1930s Tudor. Existing vegetation screens the rear of the house. The lot is nonconforming with respect to size and frontage and the structure is nonconforming with regards to FAR, and front and side setbacks. The petitioners need a special permit under Section 30-15, Table 1, Footnote 5 to allow an FAR beyond the by-right threshold specified in Table 1.

### B. Project Description and Analysis

No changes to the use of the single-family residence are proposed. The petitioners are proposing to remove the existing one-story front entry and construct a two-story addition to the front of the house which will project farther into the front setback, and a small addition on the 2<sup>nd</sup> floor on the north side of the house which will overhang farther into the side yard setback. It should also be noted that new ridge of the proposed addition is approximately 1½ feet taller than the existing ridge and will increase the proposed height

of the building from 17.2 feet to 23 feet. The proposed addition will add a new entry and closet and will expand an existing family room. On the second floor it will expand the master bedroom to include a master bathroom and closet. The additions have been designed to be sympathetic to the 1930s Tudor style of the existing house with a steep gable roof pitch facing the street.

The proposed addition will add 159 sq. ft. to the footprint and 486 sq. ft overall. Although the addition will encroach farther into the front and side setbacks, the addition has been designed to be in keeping with the existing Tudor structure and should not be out of scale with surrounding residences. The petitioners will still be compliant with respect to lot coverage and open space ratios and will retain much of their small but usable yard space. The proposed demolition was reviewed by the Newton Historical Commission, the house was not found to be historically significant, and the Commission approved the demolition entailed by the proposed plans on April 21, 2009.

C. Project-Specific Findings and Conditions

In addition to the findings listed in Section VI in the Summary of Projects of this report, the Land Use Committee may wish also to consider the following site-specific findings:

- Approval of an FAR of .467 where .3 is allowed is appropriate in the neighborhood context as the house will be in scale with others in the immediate vicinity.

No conditions are recommended beyond those previously noted in Section IV of the Summary of Projects.

**ATTACHMENTS**

<b>ATTACHMENT A:</b>	<i>ZONING MAP</i>
<b>ATTACHMENT B:</b>	<i>LAND USE MAP</i>
<b>ATTACHMENT C:</b>	<i>NEIGHBORHOOD COMPARISON CHART</i>
<b>ATTACHMENT D:</b>	<i>ZONING REVIEW MEMORANDUM, DATED MAY 6, 2009</i>

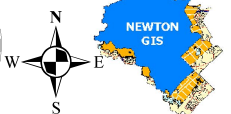
# Attachment A Zoning Map

## 17 Wilde Road and Vicinity

City of Newton,  
Massachusetts

### Legend

- Building Outlines
- Single Res. 1
- Single Res. 2
- Single Res. 3
- Business 1
- Business 2
- Business 4
- Business 5
- Limited Manufacturing
- Manufacturing
- Multi-Res. 1
- Multi-Res. 2
- Multi-Res. 3
- Multi-Res. 4
- Mixed Use 1
- Mixed Use 2
- OS/Rec.
- Public Use



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

0 25 50 100 150 Feet

MAP DATE: May 27, 2009



# Attachment B Land Use Map

## 17 Wilde Road and Vicinity

City of Newton,  
Massachusetts

### Legend

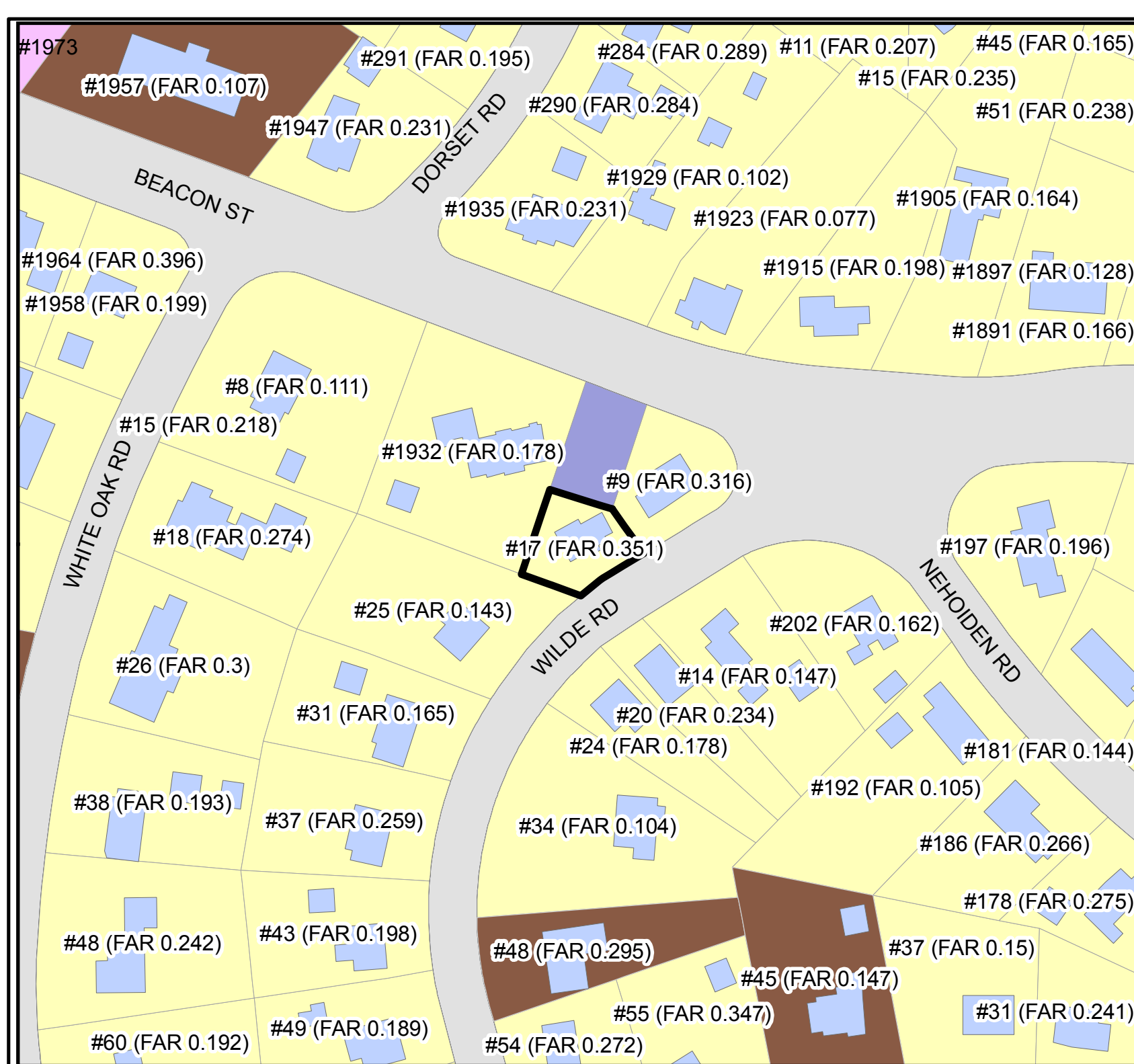
- Building Outlines
- Single Family Residential
- Two Family Residential
- Condominiums
- Other Residential
- Mixed Use
- Commercial
- Industrial
- Vacant Land
- Golf Course
- Open Space
- Private Educational
- Nonprofit Organizations
- Public Housing
- Tax Exempt
- Unspecified



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0 25 50 100 150 Feet

MAP DATE: May 27, 2009





Existing Conditions and Context for 17 Wilde Road (within 300')							
	Lot Size	Lot Size	FAR		<i>Note: FAR estimates are based on Newton assessors' data. Figures may not match those provided by the petitioners and used in the summary of petitions above.</i>		
Average	14,176	2,540	0.203				
10th Percentile	7,071	1,668	0.105				
25th Percentile	11,945	1,996	0.147				
Median	13,891	2,392	0.195				
75th Percentile	18,284	2,792	0.269				
90th Percentile	20,057	3,493	0.302				
Address	Street	Land Use	Zoning	Lot Size (ft)	Living Area	Attached Garage	FAR Estimate
45	ALBAN RD	Mixed-use	SR2	15799	2316	0	0.147
55	ALBAN RD	Single-family	SR2	13020	4080	432	0.347
1897	BEACON ST	Single-family	SR2	15280	1950	0	0.128
1905	BEACON ST	Single-family	SR2	22060	3626	0	0.164
1915	BEACON ST	Single-family	SR2	14180	2608	200	0.198
1923	BEACON ST	Single-family	SR2	18700	1449	0	0.077
1929	BEACON ST	Single-family	SR2	18855	1922	0	0.102
1932	BEACON ST	Single-family	SR2	19868	2778	760	0.178
1935	BEACON ST	Single-family	SR2	11890	2752	0	0.231
1947	BEACON ST	Single-family	SR2	12110	2796	0	0.231
290	DORSET RD	Single-family	SR2	8290	2357	0	0.284
192	NEHOIDEN RD	Single-family	SR2	19075	1996	0	0.105
197	NEHOIDEN RD	Single-family	SR2	14212	2426	361	0.196
202	NEHOIDEN RD	Single-family	SR2	12444	2012	0	0.162
8	WHITE OAK RD	Single-family	SR2	23933	2650	0	0.111
18	WHITE OAK RD	Single-family	SR2	14994	3478	634	0.274
26	WHITE OAK RD	Single-family	SR2	19102	5118	608	0.3
38	WHITE OAK RD	Single-family	SR2	14713	2840	0	0.193
9	WILDE RD	Single-family	SR2	7070	2231	0	0.316
14	WILDE RD	Single-family	SR2	13601	1996	0	0.147
17	WILDE RD	Single-family	SR2	4800	1683	0	0.351
20	WILDE RD	Single-family	SR2	6572	1536	0	0.234
24	WILDE RD	Single-family	SR2	8446	1502	0	0.178
25	WILDE RD	Single-family	SR2	17034	2436	0	0.143
31	WILDE RD	Single-family	SR2	13168	2176	0	0.165
34	WILDE RD	Single-family	SR2	21753	2271	0	0.104
37	WILDE RD	Single-family	SR2	13261	3433	0	0.259
43	WILDE RD	Single-family	SR2	12450	2461	0	0.198
48	WILDE RD	Mixed-use	SR2	11539	3405	0	0.295
54	WILDE RD	Single-family	SR2	7071	1920	0	0.272

# *Zoning Review Memorandum*

ATTACHMENT D

Dt: May 6, 2009

To: John Lojek, Commissioner of Inspectional Services

Fr: Eve Tapper, Chief Zoning Code Official  
Candace Havens, Chief Planner



Cc: Michael Kruse, Director, Department of Planning and Development  
Edrick vanBeuzekom, AIA, representing Catherine O'Riordan and Larry Licklider  
Ouida Young, Associate City Solicitor

**RE: Request to increase nonconformities with respect to front and side setbacks and floor area ratio.**

## **Applicants: Catherine O'Riordan and Larry Licklider**

**Site:** 17 Wilde Road

**SBL:** Section 55, Block 24, Lot 13

**Zoning:** SR-2

**Lot Area:** 4,800 sq. ft.

**Current use:** Single-family residence

**Proposed use:** Single-family residence

### **Background:**

The subject property consists of a 4,800 square foot lot currently improved with a single-family residence. The applicants are proposing to add a two-story addition to the front of the house and a small addition on the 2<sup>nd</sup> floor onto the north side of the house.

### **Administrative determinations:**

1. The property is in the SR-2 zone and must comply with the dimensional standards of Section 30-15, Table 1 for a pre-1953 lot (see chart below). The applicants are proposing to demolish the front entryway and a build a two-story addition and a new entrance. In addition, a small second floor addition will overhang 1.6' further into the side yard setback.

<b>SR-2 Zone</b>	<b>Required/Allowed</b>	<b>Existing</b>	<b>Proposed</b>
Lot size	10,000 sq. ft.	<b>4,800 sq. ft.</b>	<b>N/C</b>
Frontage	80 feet	<b>56.01 feet</b>	<b>N/C</b>
Setbacks			
• Front	25 feet	<b>24.1 feet</b>	<b>20.3 feet</b>
• Side	7.5 feet	<b>6.9 feet</b>	<b>5.3 feet</b>
• Rear	N/A	N/A	N/A
FAR	.3	<b>.365</b>	<b>.467</b>
Building Height	30 feet	17.2 feet	23 feet
Maximum Stories	2.5	2	2.5
Max. Lot Coverage	30%	21%	24.9%
Min. Open Space	50%	58.8%	55%

2. The subject property is legally nonconforming with respect to Floor Area Ratio. The proposed addition will increase this nonconformity. The proponent needs a Special Permit from the Board of Aldermen under Sections 30-21(a)(2)(b) and 30-21(b).
3. The subject property is legally nonconforming with respect to front setback from Wilde Road. The proposed addition will encroach an additional 3.8 feet into the front setback thereby increasing this nonconformity. The proponent needs a Special Permit from the Board of Aldermen under Sections 30-21(a)(2)(b) and 30-21(b).
4. The subject property is legally nonconforming with respect to side setback on the north side. A proposed second story addition will encroach 1.6' further into this side setback. However, since this second story addition will be only 18 square feet, less than the 400 square feet allowed under Section 30-21(c)(4), it is considered de minimis and can be constructed by-right.
5. See "Zoning Relief Summary" below:

<b><i>Zoning Relief Summary</i></b>		
<b><i>Ordinance</i></b>	<b><i>Site</i></b>	<b><i>Action Required</i></b>
§30-21(a)(2)(b), 30-21(b)	Increase nonconformities with respect to FAR and front setback	SP per §30-24

Plans and materials reviewed:

- "Existing Conditions Plan Newton, Massachusetts" drawn by John R. Hamel, Professional Land Surveyor and dated February 25, 2009 but not signed or stamped
- "Building Permit Plan Newton, Massachusetts" drawn by John R. Hamel, Professional Land Surveyor and dated April 1, 2009 but not signed or stamped
- Zoning Calculations for 17 Wilde Road in Newton, MA submitted by EvB Design
- Architectural Drawings as follows for "O'Riordon-Licklider Residence, 17 Wilde Road, Waban, MA 02468, drawn by Edrick vanBeuzekom, AIA, all dated April 8, 2009 but not stamped
  - C1.0 Site Plan
  - A1.1 Proposed 1<sup>st</sup> Floor Plan
  - A1.2 Proposed 2<sup>nd</sup> Floor Plan
  - A1.3 Proposed Attic Floor Plan
  - A2.0 Proposed Front
  - A2.1 Proposed Right Elevation
  - A.2.2 Proposed Left Elevation
  - A2.3 Proposed Rear Elevation
  - A3.0 Proposed Section
  - A3.1 Proposed Section
  - A3.2 Proposed Section
  - A3.3 Proposed Section
  - A3.4 Proposed Section
  - X1.0 Existing Basement Plan
  - X1.1 Existing 1<sup>st</sup> Floor Plan
  - X1.2 Existing 2<sup>nd</sup> Floor Plan
  - X2.0 Existing Front Elevation
  - X2.1 Existing Right Elevation
  - X2.2 Existing Left Elevation
  - X2.3 Existing Rear Elevation

## 204 RIVER STREET

Petition #139-09 of FRANCESCO GIGLIOTTI for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NONCONFORMING STRUCTURE to construct a second-story addition onto the front of an existing single-family dwelling, increasing the legally nonconforming floor area ratio from .43 to .48, at 204 RIVER STREET, WEST NEWTON, on land known as Sec 44, Blk 17, Lot 55, containing approx 3,064 sf feet of land in a district zoned SINGLE RESIDENCE 3.

### A. Site, Neighborhood and Zoning

The property at 204 River Street is a 3,064 sq. ft. site located close to the intersection of River Street and Pine Street in West Newton. It is located within a Single Residence 3 District and the neighborhood is characterized by a mix of single-family and two-family residences (*SEE ATTACHMENTS "A" AND "B"*). There are two-family residences on both sides of the petitioner's property. There is also a rear lot with a single-family structure immediately behind the petitioner's property with access to the rear lot via an easement over the petitioner's property.



There is a great variety in the age of homes in the area with a majority of residences built between 1880 and 1950. Most of the lots are between 4,500 and 8,500 sq. ft. The petitioner's lot is the smallest in its neighborhood. A variety of early 20<sup>th</sup> century architectural styles are represented in the neighborhood. A majority of the lots in the vicinity of the property have floor area ratios between 0.20 and 0.37. The Planning Department has attached a Neighborhood Comparison Chart that includes lot size and FAR (*SEE ATTACHMENT "C"*).

The lot is relatively level and contains a one-car detached garage with a driveway along the northwest side lot line. The lot is nonconforming with respect to size and frontage and the structure is nonconforming with regards to FAR, front and rear setbacks. The petitioner needs a special permit under Section 30-15, Table 1, Footnote 5 to allow an FAR beyond the by-right thresholds specified in Table 1.

### B. Project Description and Analysis

No changes to the use of the single-family residence are proposed. The petitioner

proposes a second story on top of an existing single-story addition at the front of the house, which was previously extended in 1927. This second floor would add 145 sq. ft. to the existing 1,330 sq. ft. structure (1,474 sq. ft. overall), increasing the size and FAR from .43 to .48 and would add a new bedroom to the house. The new addition would overhang the first floor by two feet. The existing roofline would be extended over the new addition and siding and roofing materials are proposed to match existing. Parking and circulation would not change.

Although the house currently encroaches into the front setback and the addition will overhang the first floor by two feet the structure is set further back than is neighbors and should not appear out of scale with the neighborhood. The City's Preservation Planner deemed the building not historic and approved the demolition entailed by the proposed plans on March 23, 2009.

C. Project-Specific Findings and Conditions

In addition to the findings listed in Section VI in the Summary of Projects of this report, the Land Use Committee may wish also to consider the following site-specific findings:

- Approval of an FAR of .48 where .35 is allowed is appropriate in the neighborhood context as the house is in scale with others in the immediate vicinity.

No conditions are recommended beyond those previously noted in Section IV of the Summary of Projects.

**ATTACHMENTS**

<b>ATTACHMENT A:</b>	<i>ZONING MAP</i>
<b>ATTACHMENT B:</b>	<i>LAND USE MAP</i>
<b>ATTACHMENT C:</b>	<i>NEIGHBORHOOD COMPARISON CHART</i>
<b>ATTACHMENT D:</b>	<i>ZONING REVIEW MEMORANDUM, DATED MAY 12, 2009</i>

# Attachment A Zoning Map

## 204 River Street and Vicinity

City of Newton,  
Massachusetts

### Legend

- Building Outlines
- Single Res. 1
- Single Res. 2
- Single Res. 3
- Business 1
- Business 2
- Business 4
- Business 5
- Limited Manufacturing
- Manufacturing
- Multi-Res. 1
- Multi-Res. 2
- Multi-Res. 3
- Multi-Res. 4
- Mixed Use 1
- Mixed Use 2
- OS/Rec.
- Public Use



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0 25 50 100 150 Feet

MAP DATE: May 27, 2009



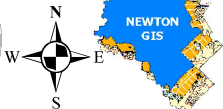
# Attachment B Land Use Map

## 204 River Street and Vicinity

City of Newton,  
Massachusetts

### Legend

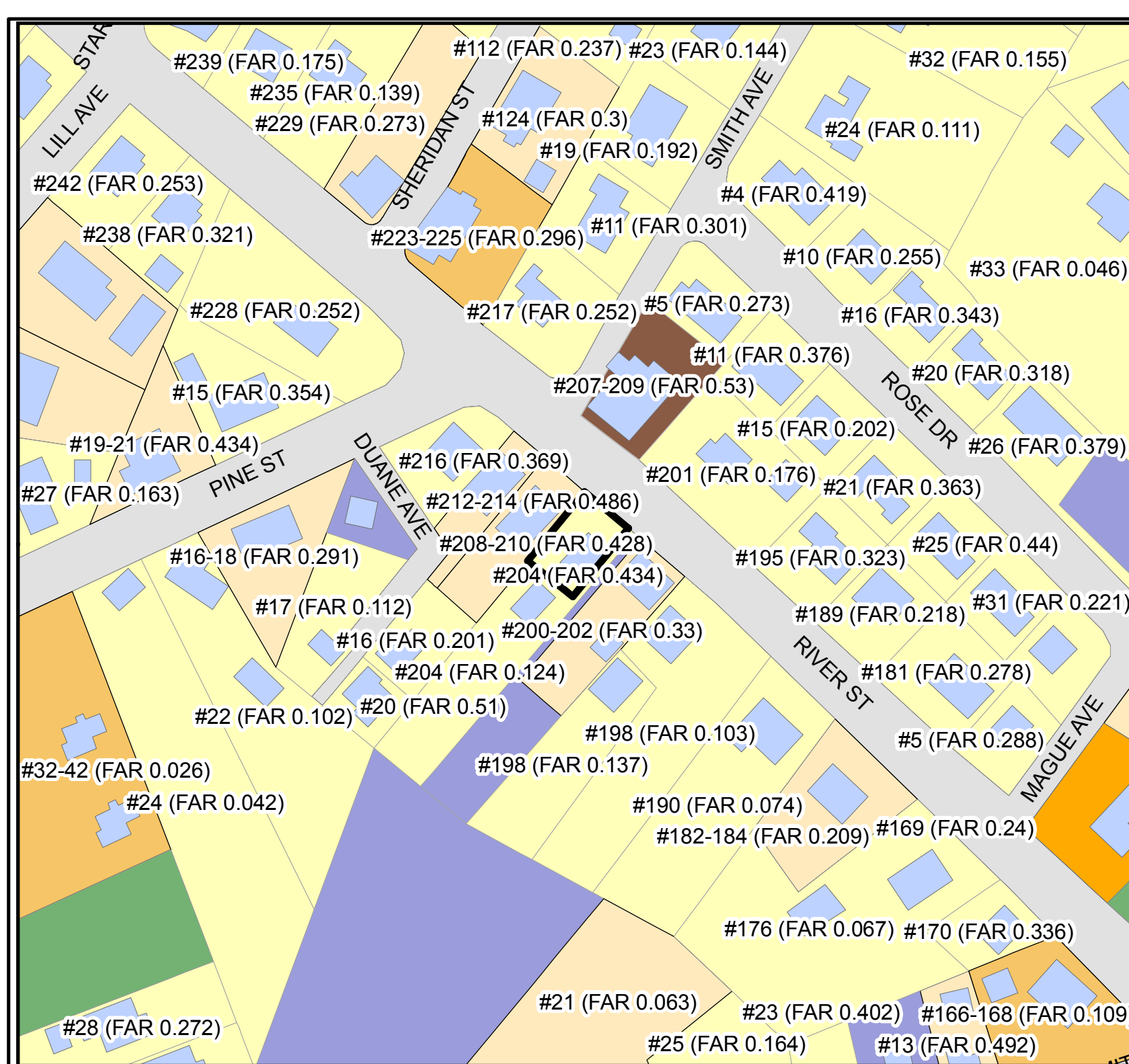
- Building Outlines
- Single Family Residential
- Two Family Residential
- Condominiums
- Other Residential
- Mixed Use
- Commercial
- Industrial
- Vacant Land
- Golf Course
- Open Space
- Private Educational
- Nonprofit Organizations
- Public Housing
- Tax Exempt
- Unspecified



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0 25 50 100 150 Feet

MAP DATE: May 27, 2009



Existing Conditions and Context for 204 River Street (within 300')							
	Lot Size	Lot Size	FAR		Note: FAR estimates are based on Newton assessors' data. Figures may not match those provided by the petitioners and used in the summary of petitions above.		
Average	8,335	1,698	0.276				
10th Percentile	4,421	1,050	0.102				
25th Percentile	4,497	1,209	0.197				
Median	6,112	1,680	0.278				
75th Percentile	8,569	2,181	0.366				
90th Percentile	15,456	2,416	0.434				
Address	Street	Land Use	Zoning	Lot Size (ft)	Living Area	Attached Garage	FAR Estimate
16	DUANE AVE	Single-family	SR3	4201	846	0	0.201
17	DUANE AVE	Single-family	SR3	6013	672	0	0.112
20	DUANE AVE	Single-family	SR3	2504	1278	0	0.51
21	HAROLD TER	Two-family	SR3	29208	1848	0	0.063
15	PINE ST	Single-family	SR3	7830	2774	0	0.354
16-18	PINE ST	Two-family	SR3	8194	2387	0	0.291
19-21	PINE ST	Two-family	SR3	5578	2423	0	0.434
22	PINE ST	Single-family	SR3	17979	1836	0	0.102
24	PINE ST	Single-family	SR3	25610	1067	0	0.042
176	RIVER ST	Single-family	SR3	25481	1706	0	0.067
181	RIVER ST	Single-family	SR3	6038	1680	0	0.278
182-184	RIVER ST	Two-family	SR3	8558	1792	0	0.209
189	RIVER ST	Single-family	SR3	4800	1046	0	0.218
190	RIVER ST	Single-family	SR3	15200	1120	0	0.074
195	RIVER ST	Single-family	SR3	4800	1352	198	0.323
198	RIVER ST	Single-family	SR3	15520	1598	0	0.103
198	RIVER ST	Single-family	SR3	8600	1175	0	0.137
200-202	RIVER ST	Two-family	SR3	6112	2016	0	0.33
201	RIVER ST	Single-family	SR3	9611	1690	0	0.176
204	RIVER ST	Single-family	SR3	9318	1152	0	0.124
<b>204</b>	<b>RIVER ST</b>	<b>Single-family</b>	<b>SR3</b>	<b>3064</b>	<b>1330</b>	<b>0</b>	<b>0.434</b>
207-209	RIVER ST	Mixed-use	SR3	6850	3632	0	0.53
208-210	RIVER ST	Two-family	SR3	5245	2244	0	0.428
212-214	RIVER ST	Two-family	SR3	4453	2166	0	0.486
216	RIVER ST	Single-family	SR3	4915	1816	0	0.369
217	RIVER ST	Single-family	SR3	6764	1464	242	0.252
223-225	RIVER ST	Condo (3-family)	SR3	7964	2359	0	0.296
228	RIVER ST	Single-family	SR3	14090	3070	484	0.252
229	RIVER ST	Two-family	SR3	8580	2340	0	0.273
4	ROSE DR	Single-family	SR3	5233	2195	0	0.419
5	ROSE DR	Single-family	SR3	4573	1250	0	0.273
10	ROSE DR	Single-family	SR3	4513	1152	0	0.255
11	ROSE DR	Single-family	SR3	4333	1428	200	0.376
15	ROSE DR	Single-family	SR3	4480	906	0	0.202
16	ROSE DR	Single-family	SR3	4413	1295	220	0.343
20	ROSE DR	Single-family	SR3	4467	1200	220	0.318
21	ROSE DR	Single-family	SR3	4480	1404	220	0.363
25	ROSE DR	Single-family	SR3	4480	1732	240	0.44
26	ROSE DR	Single-family	SR3	7461	2423	406	0.379
31	ROSE DR	Single-family	SR3	4480	768	220	0.221
124	SHERIDAN ST	Two-family	SR3	7864	2356	0	0.3
11	SMITH AVE	Single-family	SR3	6835	1801	253	0.301
19	SMITH AVE	Single-family	SR3	7731	1218	264	0.192




# *Zoning Review Memorandum*

**ATTACHMENT D**

Dt: May 12, 2009

To: John Lojek, Commissioner of Inspectional Services

Fr: Eve Tapper, Chief Zoning Code Official  
Candace Havens, Chief Planner 

Cc: Michael Kruse, Director, Department of Planning and Development  
Dimitri Oleinik, for Francesco and Sestina Gigliotti  
Ouida Young, Associate City Solicitor

**RE: Request to allow an increase in FAR.**

**Applicant: Francesco & Sestina Gigliotti**

<b>Site:</b> 204 River Street	<b>SBL:</b> Section 44, Block 17, Lot 55
<b>Zoning:</b> SR-3	<b>Lot Area:</b> 3,064 square feet
<b>Current use:</b> Single-family residence	<b>Proposed use:</b> Single-family residence

**Background:**

The subject property consists of a 3,064 square foot lot currently improved with a single-family residence. The applicants are proposing to add a small addition onto the front of the house.

**Administrative determinations:**

1. The property is in the SR-3 zone and must comply with the dimensional standards of Section 30-15, Table 1 for a pre-1953 lot (see chart below). The applicants are proposing to add a second story on top of a previous addition in the front of the house.

SR-2 Zone	Required/Allowed	Existing	Proposed
Lot size	7,000 sq. ft.	<b>3,064 sq. ft.</b>	N/C
Frontage	70 feet	<b>50 feet</b>	N/C
Setbacks			
• Front	25 feet	<b>18.5 feet</b>	N/C
• Side	7.5 feet	<b>4.4 feet</b>	N/C
• Rear	15 feet	28.5 feet	25 feet
FAR	.35	<b>.43</b>	<b>.48</b>
Building Height	30 feet	25 feet	25 feet
Maximum Stories	2.5	2.5	2.5
Max. Lot Coverage	30%	N/A	N/C
Min. Open Space	50%	<b>23.9%</b>	N/C

2. The subject property is legally nonconforming with respect to Floor Area Ratio. The proposed addition will increase this nonconformity. The proponent needs a Special Permit from the Board of Aldermen under Sections 30-21(a)(2)(b) and 30-21(b).

3. See “Zoning Relief Summary” below:

<b><i>Zoning Relief Summary</i></b>		
<b><i>Ordinance</i></b>	<b><i>Site</i></b>	<b><i>Action Required</i></b>
§30-21(a)(2)(b), 30-21(b)	Increase nonconformity with respect to FAR	SP per §30-24

Plans and materials reviewed:

- “Plan of Land in Newton, MA, 204 River Street for Permit”, dated 4/24/09, signed and stamped by A. Matthew Belski, Jr., Professional Land Surveyor
- Architectural Plans as follows for “Gigliotti Residence, 204 River Street, Newton, MA, dated April 3, 2009, drawn by Leah Greenwald but not signed or stamped
  - “A-1 Second Fl. Plan, Front Elev., Notes”
  - “A-2 East Elevation, Notes”
  - “A-3 West Elevation, NSUL, Detail”

## 25 BOTHFELD ROAD

Petition #140-09 of GIL SHNEORSON for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NONCONFORMING STRUCTURE to construct a two-story addition to the rear of an existing single-family dwelling, increasing the legally nonconforming floor area ratio from .312 to .369, at 25 BOTHFELD ROAD, Ward 6, NEWTON CENTRE, on land known as Sec 64, Blk 9, Lot 10, containing approx 7,240 sf of land in a district zoned SINGLE RESIDENCE 2.

### A. Site, Neighborhood and Zoning

25 Bothfeld Road is a 7,240 sq. ft. site located close to the intersection of Commonwealth Avenue and Manemet Road in Newton Centre. It is located within a Single Residence 2 District and the neighborhood is characterized by single-family residences (*SEE ATTACHMENTS "A" AND "B"*). The majority of residences were built between 1920 and 1925 and most of the lots are between 8,500 and 9,700 sq. ft. The subject lot is the smallest in the vicinity. A variety of early 20<sup>th</sup> century architectural styles are represented in the neighborhood. A majority of the lots in the vicinity of the property have FARs between 0.19 and 0.29. The Planning Department has attached a Neighborhood Comparison Chart that includes lot size and FAR (*SEE ATTACHMENT "C"*).



The lot contains a modest slope and contains an attached garage below. The lot is nonconforming with respect to size and frontage, and the structure is nonconforming with regards to FAR. The petitioner needs a special permit under Section 30-15, Table 1, Footnote 5, to allow an FAR beyond the by-right thresholds specified in Table 1.



### B. Project Description and Analysis

No changes to the use of the single-family residence are proposed. The petitioner is proposing to add 174 sq. ft. on the first floor and 240 sq. ft. on the second floor. The petitioner plans to use the first-floor space in order to expand an existing kitchen and to use the second-floor space for an additional bedroom and bathroom. The addition would also include an enclosed first floor porch. The addition of 414 sq. ft. will increase the

house's size from 2,259 sq. ft. to 2,673 sq. ft., increasing the FAR from .312 to .369. The existing roofline would be extended over the new addition. Parking and circulation will not change.

The addition is in the rear of the house and will not impact the streetscape. The proposed FAR will be higher than 90% of the neighbors within 300 feet in part because of the relatively small size of the lot. However, the proposed square footage of the house will be smaller than 25% of those houses, and the result of the modest addition should not appear out of scale with the neighborhood. The petitioner plans to file for demolition review next week. If the review has not occurred prior to the Public Hearing, the Planning Department recommends a condition requiring such approval before a building permit can be issued.

C. Project-Specific Findings and Conditions

In addition to the findings listed in Section VI in the Summary of Projects of this report, the Land Use Committee may wish also to consider the following site-specific findings:

- Approval of an FAR of .369 where .3 is allowed is appropriate in the neighborhood context as the house is in scale with others in the immediate vicinity.

If demolition review has not yet occurred prior to the Public Hearing, Planning Department staff recommends a condition stating that issuance of a building permit shall be subject to demolition review by the City's Preservation Planner or the Newton Historical Commission.

**ATTACHMENTS**

<b><i>ATTACHMENT A:</i></b>	<i>ZONING MAP</i>
<b><i>ATTACHMENT B:</i></b>	<i>LAND USE MAP</i>
<b><i>ATTACHMENT C:</i></b>	<i>NEIGHBORHOOD COMPARISON CHART</i>
<b><i>ATTACHMENT D:</i></b>	<i>ZONING REVIEW MEMORANDUM, DATED MAY 12, 2009</i>

# Attachment A Zoning Map

## 25 Bothfeld Road and Vicinity

City of Newton,  
Massachusetts

### Legend

- Building Outlines
- Single Res. 1
- Single Res. 2
- Single Res. 3
- Business 1
- Business 2
- Business 4
- Business 5
- Limited Manufacturing
- Manufacturing
- Multi-Res. 1
- Multi-Res. 2
- Multi-Res. 3
- Multi-Res. 4
- Mixed Use 1
- Mixed Use 2
- OS/Rec.
- Public Use



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0 25 50 100 150 Feet












MAP DATE: May 27, 2009

# Attachment B Land Use Map

## 25 Bothfeld Road and Vicinity

City of Newton,  
Massachusetts

### Legend

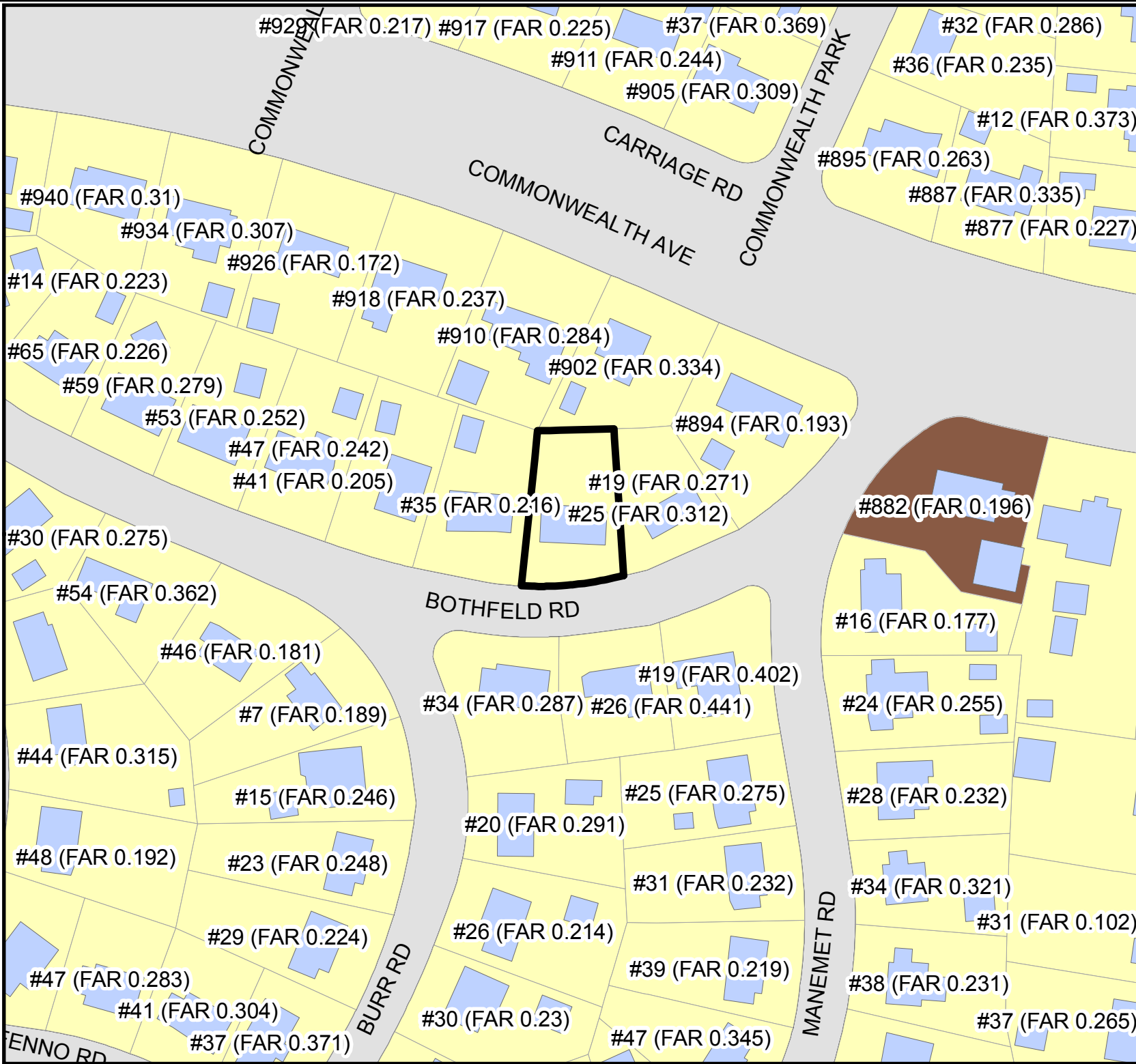
-  Building Outlines
-  Single Family Residential
-  Two Family Residential
-  Condominiums
-  Other Residential
-  Mixed Use
-  Commercial
-  Industrial
-  Vacant Land
-  Golf Course
-  Open Space
-  Private Educational
-  Nonprofit Organizations
-  Public Housing
-  Tax Exempt
-  Unspecified



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0 25 50 100 150 Feet

MAP DATE: May 27, 2009





Existing Conditions and Context for 25 Bothfeld (within 300')							
	Lot Size	Lot Size	FAR		<i>Note: FAR estimates are based on Newton assessors' data. Figures may not match those provided by the petitioners and used in the summary of petitions above.</i>		
Average	9,660	2,470	0.260				
10th Percentile	8,037	1,893	0.193				
25th Percentile	8,583	2,051	0.220				
Median	9,174	2,292	0.247				
75th Percentile	9,709	2,753	0.290				
90th Percentile	11,440	3,339	0.333				
Address	Street	Land Use	Zoning	Lot Size (ft)	Living Area	Attached Garage	FAR Estimate
19	BOTHFELD RD	Single-family	SR2	7235	1958	0	0.271
<b>25</b>	<b>BOTHFELD RD</b>	<b>Single-family</b>	<b>SR2</b>	<b>7240</b>	<b>2260</b>	<b>0</b>	<b>0.312</b>
26	BOTHFELD RD	Single-family	SR2	8008	3528	0	0.441
34	BOTHFELD RD	Single-family	SR2	9190	2640	0	0.287
35	BOTHFELD RD	Single-family	SR2	9250	2000	0	0.216
41	BOTHFELD RD	Single-family	SR2	8750	1792	0	0.205
46	BOTHFELD RD	Single-family	SR2	9450	1712	0	0.181
47	BOTHFELD RD	Single-family	SR2	8850	2143	0	0.242
53	BOTHFELD RD	Single-family	SR2	8725	2198	0	0.252
54	BOTHFELD RD	Single-family	SR2	7650	2766	0	0.362
59	BOTHFELD RD	Single-family	SR2	8300	2312	0	0.279
7	BURR RD	Single-family	SR2	8450	1600	0	0.189
15	BURR RD	Single-family	SR2	9050	2230	0	0.246
20	BURR RD	Single-family	SR2	9712	2830	0	0.291
23	BURR RD	Single-family	SR2	9650	2397	0	0.248
26	BURR RD	Single-family	SR2	10636	2271	0	0.214
29	BURR RD	Single-family	SR2	9150	2046	0	0.224
30	BURR RD	Single-family	SR2	9478	2182	0	0.23
874	COMMONWEALTH	Single-family	SR2	19770	4360	0	0.221
882	COMMONWEALTH	Mixed-use	SR2	13680	2676	0	0.196
887	COMMONWEALTH	Single-family	SR2	8300	2782	0	0.335
894	COMMONWEALTH	Single-family	SR2	12850	2481	0	0.193
895	COMMONWEALTH	Single-family	SR2	9135	2406	0	0.263
902	COMMONWEALTH	Single-family	SR2	9700	3235	0	0.334
905	COMMONWEALTH	Single-family	SR2	8400	2594	0	0.309
910	COMMONWEALTH	Single-family	SR2	11250	3197	0	0.284
911	COMMONWEALTH	Single-family	SR2	9157	2236	0	0.244
917	COMMONWEALTH	Single-family	SR2	9404	2115	0	0.225
918	COMMONWEALTH	Single-family	SR2	11450	2713	0	0.237
926	COMMONWEALTH	Single-family	SR2	11350	1956	0	0.172
929	COMMONWEALTH	Single-family	SR2	9520	2064	0	0.217
934	COMMONWEALTH	Single-family	SR2	10900	3351	0	0.307
38	ELLISON RD	Single-family	SR2	7250	1888	0	0.26
44	ELLISON RD	Single-family	SR2	11550	3641	0	0.315
16	MANEMET RD	Single-family	SR2	10700	1889	0	0.177
19	MANEMET RD	Single-family	SR2	9015	3621	0	0.402
24	MANEMET RD	Single-family	SR2	9621	2458	0	0.255
25	MANEMET RD	Single-family	SR2	8536	2351	0	0.275
28	MANEMET RD	Single-family	SR2	9217	2134	0	0.232
31	MANEMET RD	Single-family	SR2	8294	1928	0	0.232
34	MANEMET RD	Single-family	SR2	8792	2826	0	0.321
39	MANEMET RD	Single-family	SR2	9106	1992	0	0.219

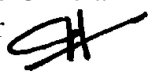


## *Zoning Review Memorandum*

**ATTACHMENT D**

Dt: May 12, 2009

To: John Lojek, Commissioner of Inspectional Services

Fr: Eve Tapper, Chief Zoning Code Official  
Candace Havens, Chief Planner 

Cc: Michael Kruse, Director, Department of Planning and Development  
Moshe Malka, contractor for Gil and Ester Shneorson  
Thomas Rovero, Architect for Gil and Ester Shneorson  
Ouida Young, Associate City Solicitor

**RE: Request to allow an increase in FAR.**

### **Applicant: Gil & Ester Shneorson**

<b>Site:</b> 25 Bothfeld Road	<b>SBL:</b> Section 64, Block 9, Lot 10
<b>Zoning:</b> SR-2	<b>Lot Area:</b> 7,240 square feet
<b>Current use:</b> Single-family residence	<b>Proposed use:</b> Single-family residence

### **Background:**

The subject property consists of a 7,240 square foot lot currently improved with a single-family residence. The applicants are proposing to add a small addition onto the rear of the house.

### **Administrative determinations:**

1. The property is in the SR-2 zone and must comply with the dimensional standards of Section 30-15, Table 1 for a pre-1953 lot (see chart below). The applicants are proposing to add a 414 square foot two-story addition onto the rear of the house.

<b>SR-2 Zone</b>	<b>Required/Allowed</b>	<b>Existing</b>	<b>Proposed</b>
Lot size	10,000 sq. ft.	<b>7,240 sq. ft.</b>	N/C
Frontage	80 feet	<b>78 feet</b>	N/C
Setbacks			
• Front	25 feet	29.2 feet	N/C
• Side	7.5 feet	7.5 feet	N/C
• Rear	15 feet	58.8 feet	48.4 feet
FAR	.3	<b>.312</b>	<b>.369</b>
Building Height	30 feet	25.3 feet	N/C
Maximum Stories	2.5	2.5	2.5
Max. Lot Coverage	30%	16%	19%
Min. Open Space	50%	79.1%	76%

2. The subject property is legally nonconforming with respect to Floor Area Ratio. The proposed addition will increase this nonconformity. The proponent needs a Special Permit from the Board of Aldermen under Sections 30-21(a)(2)(b) and 30-21(b).

3. See “Zoning Relief Summary” below:

<b><i>Zoning Relief Summary</i></b>		
<b><i>Ordinance</i></b>	<b><i>Site</i></b>	<b><i>Action Required</i></b>
§30-21(a)(2)(b), 30-21(b)	Increase nonconformity with respect to FAR	SP per §30-24

Plans and materials reviewed:

- “Certified Plot Plan located at 25 Bothfeld Road, Newton, MA,” drawn by Boston Survey, Inc. dated March 26, 2009, not signed or stamped
- Architectural Plans as follows for “Shneorson Residence, Renovations and Addition, 25 Bothfeld Road, Newton, Massachusetts, all stamped and signed by Thomas J. Rovero, Registered Architect, dated 5/1/09
  - “E-1 Plans of Existing Residence”
  - “A-1 Plans of Proposed Residence”
  - “A-2 Proposed Elevations”

## 26 ACACIA AVENUE

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Petition #141-09 of JAMES G. & PATRICIA A. JUMES for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NONCONFORMING STRUCTURE to demolish an existing garage and reconstruct it with a second-story and to construct a two-story addition to the rear of an existing single-family dwelling, increasing the floor area ratio, at 26 ACACIA AVENUE, Ward 7, CHESTNUT HILL, on land known as Sec 63, Blk 23, Lot 14, containing approx 11,031 sf of land in a district zoned SINGLE RESIDENCE 126 Acacia Avenue

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### A. Site, Neighborhood and Zoning

The property at 26 Acacia Avenue is an 11,031 sq. ft. site located close to Commonwealth Avenue in Chestnut Hill.

It is located within a Single Residence 1 District and the neighborhood is characterized by single-family residences (*SEE ATTACHMENTS "A" AND "B"*). In addition, there are some properties in the vicinity used by Boston College for educational purposes. The majority of residences in the vicinity were built between 1920 and 1940. While the majority of lots within 300 feet of 26 Acacia Avenue are between 10,100 and 15,000 sq. ft., all of the lots along Acacia Avenue are below 11,000 sq. ft. The immediate neighborhood is dominated by Colonial Revival houses. A majority of the lots in the vicinity of the property have FARs between 0.19 and 0.31. (*SEE ATTACHMENT "C"*).



The lot has a minor slope and currently contains a one-car attached garage with a driveway along the north side lot line. The lot is nonconforming with respect to size and frontage and the structure is nonconforming with regards to front and rear setbacks. The petitioners need a special permit under Section 30-15, Table 1, Footnote 5, to allow an FAR beyond the by-right thresholds specified in Table 1.

### B. Project Description and Analysis

No changes to the use of the single-family residence are proposed. The petitioners are proposing to construct a 1½-story addition in place of an existing one-story attached garage and a two-story addition in the rear of the house. The addition would add 868 sq. ft. to the existing 2,632 sq. ft. structure for a total of 3,500 sq. ft., increasing the FAR from .24 to .32. The existing garage would be replaced with a two-car garage with a half-story of living space above it. The rear addition would provide additional living space on the first and second floors. Parking and circulation would not change.

The Chestnut Hill Historic District Commission issued a Certificate of Appropriateness

for the proposed additions on April 21, 2009. Prior to the issuance of this certificate, the Commission conducted a series of reviews of the project and denied a previous design on April 18, 2008 and issued a Certificate of Appropriateness for another design on September 18, 2008.

The rear portion of the addition will not be visible from any public way and should, therefore, have no impact on the streetscape. The garage portion of the addition will be visible from Acacia Avenue but will be located 16 feet farther from the street than the front of the house and in the approximate location of the existing garage. This portion of the proposed addition appears to have a modest impact on the streetscape. The impact of the current project is significantly smaller than that of the initial proposal that was denied by the Chestnut Hill Historic District Commission in 2008. The current proposal also appears to be more in character with the historic Chestnut Hill neighborhood than previous iterations of the design. The proposed structure should not appear out of scale with the neighborhood.

C. Project-Specific Findings and Conditions

In addition to the findings listed in Section VI in the Summary of Projects of this report, the Land Use Committee may wish also to consider the following site-specific findings:

- The Chestnut Hill Historic District Commission issued a Certificate of Appropriateness for this proposal, testifying to its appropriateness for this historic neighborhood.
- Approval of an FAR of .32 where .25 is allowed is appropriate in the neighborhood context as the house is in scale with others in the immediate vicinity.

No conditions are recommended beyond those previously noted in Section IV of the Summary of Projects.

**ATTACHMENTS**

<b>ATTACHMENT A:</b>	<i>ZONING MAP</i>
<b>ATTACHMENT B:</b>	<i>LAND USE MAP</i>
<b>ATTACHMENT C:</b>	<i>NEIGHBORHOOD COMPARISON CHART</i>
<b>ATTACHMENT D:</b>	<i>ZONING REVIEW MEMORANDUM, DATED MAY 11, 2009</i>

# Attachment A Zoning Map

## 26 Acacia Avenue and Vicinity

City of Newton,  
Massachusetts

### Legend

- Building Outlines
- Single Res. 1
- Single Res. 2
- Single Res. 3
- Business 1
- Business 2
- Business 4
- Business 5
- Limited Manufacturing
- Manufacturing
- Multi-Res. 1
- Multi-Res. 2
- Multi-Res. 3
- Multi-Res. 4
- Mixed Use 1
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0 25 50 100 150  
Feet

















MAP DATE: May 27, 2009

# Attachment B Land Use Map

## 26 Acacia Avenue and Vicinity

City of Newton,  
Massachusetts

### Legend

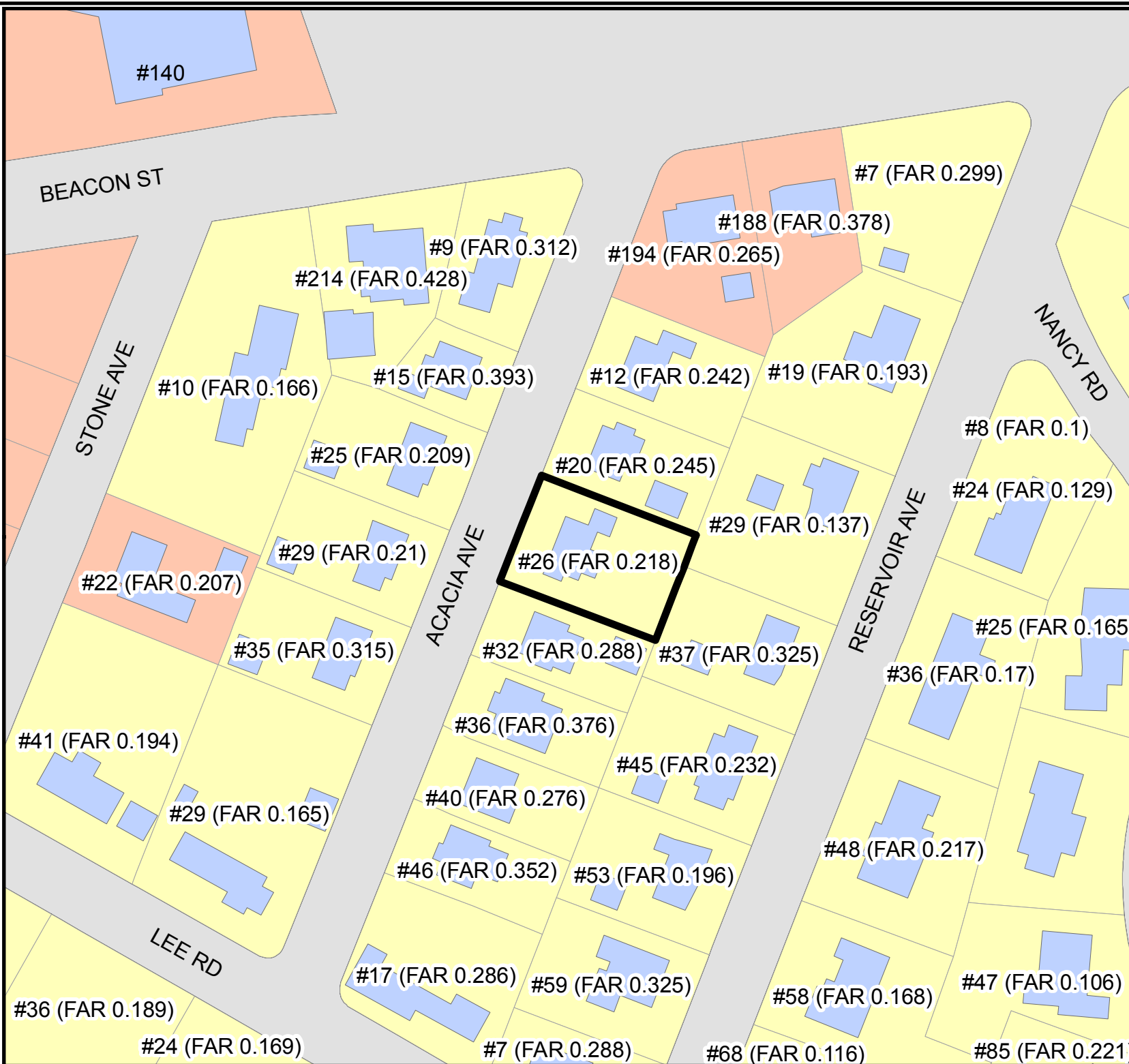
-  Building Outlines
-  Single Family Residential
-  Two Family Residential
-  Condominiums
-  Other Residential
-  Mixed Use
-  Commercial
-  Industrial
-  Vacant Land
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-  Open Space
-  Private Educational
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-  Tax Exempt
-  Unspecified



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0 25 50 100 150  
Feet

MAP DATE: May 27, 2009



Existing Conditions and Context for 26 Acacia Avenue (within 300')							
Lot Size		Lot Size	FAR	<i>Note: FAR estimates are based on Newton assessors' data. Figures may not match those provided by the petitioners and used in the summary of petitions above.</i>			
Average	12,852	2,841	0.249				
10th Percentile	7,620	2,046	0.165				
25th Percentile	10,145	2,163	0.193				
Median	11,430	2,471	0.232				
75th Percentile	15,000	3,660	0.312				
90th Percentile	15,945	4,002	0.371				
Address	Street	Land Use	Zoning	Lot Size (ft)	Living Area	Attached Garage	FAR Estimate
9	ACACIA AVE	Single-family	SR1	10290	2792	420	0.312
12	ACACIA AVE	Single-family	SR1	9497	2298	0	0.242
15	ACACIA AVE	Single-family	SR1	5200	1834	209	0.393
20	ACACIA AVE	Single-family	SR1	9000	2203	0	0.245
25	ACACIA AVE	Single-family	SR1	10145	2124	0	0.209
<b>26</b>	<b>ACACIA AVE</b>	<b>Single-family</b>	<b>SR1</b>	<b>10950</b>	<b>2091</b>	<b>300</b>	<b>0.218</b>
29	ACACIA AVE	Single-family	SR1	10145	2126	0	0.21
32	ACACIA AVE	Single-family	SR1	7620	2193	0	0.288
35	ACACIA AVE	Single-family	SR1	10145	3193	0	0.315
36	ACACIA AVE	Single-family	SR1	7620	2868	0	0.376
40	ACACIA AVE	Single-family	SR1	7620	2100	0	0.276
46	ACACIA AVE	Single-family	SR1	7620	2337	342	0.352
188	BEACON ST	Institutional	SR1	10002	3780	0	0.378
194	BEACON ST	Institutional	SR1	13000	3440	0	0.265
214	BEACON ST	Single-family	SR1	12351	5289	0	0.428
17	LEE RD	Single-family	SR1	14210	4061	0	0.286
29	LEE RD	Single-family	SR1	24013	3952	0	0.165
41	LEE RD	Single-family	SR1	21665	3660	550	0.194
25	NANCY RD	Single-family	SR1	15000	2471	0	0.165
39	NANCY RD	Single-family	SR1	15000	1989	0	0.133
7	RESERVOIR AVE	Single-family	SR1	15687	4234	462	0.299
19	RESERVOIR AVE	Single-family	SR1	15963	3088	0	0.193
24	RESERVOIR AVE	Single-family	SR1	15000	1929	0	0.129
29	RESERVOIR AVE	Single-family	SR1	15875	2168	0	0.137
36	RESERVOIR AVE	Single-family	SR1	15000	2035	520	0.17
37	RESERVOIR AVE	Single-family	SR1	11430	3714	0	0.325
45	RESERVOIR AVE	Single-family	SR1	11430	2648	0	0.232
48	RESERVOIR AVE	Single-family	SR1	15000	2641	621	0.217
53	RESERVOIR AVE	Single-family	SR1	11430	2244	0	0.196
58	RESERVOIR AVE	Single-family	SR1	15000	2163	360	0.168
59	RESERVOIR AVE	Single-family	SR1	11430	3713	0	0.325
10	STONE AVE	Single-family	SR1	28350	4014	690	0.166
22	STONE AVE	Institutional	SR1	11413	2367	0	0.207




## *Zoning Review Memorandum*

**ATTACHMENT D**

Dt: May 11, 2009

To: John Lojek, Commissioner of Inspectional Services

Fr: Eve Tapper, Chief Zoning Code Official  
Candace Havens, Chief Planner 

Cc: Michael Kruse, Director, Department of Planning and Development  
James Jumes, Property owner  
Ouida Young, Associate City Solicitor

**RE: Request to allow an increase in FAR.**

### **Applicant: James & Patricia Jumes**

<b>Site:</b> 26 Acacia Avenue	<b>SBL:</b> Section 63, Block 23, Lot 14
<b>Zoning:</b> SR-1	<b>Lot Area:</b> 11,031 square feet
<b>Current use:</b> Single-family residence	<b>Proposed use:</b> Single-family residence

### **Background:**

The subject property consists of an 11,031 square foot lot currently improved with a single-family residence. The applicants are proposing to construct additions onto the garage and rear of the house.

### **Administrative determinations:**

1. The property is in the SR-1 zone and must comply with the dimensional standards of Section 30-15, Table 1 for a pre-1953 lot (see chart below). The applicants are proposing to demolish the existing garage and rebuild it with a second story on top as well as construct a two-story addition onto the rear of the house.

SR-1 Zone	Required/Allowed	Existing	Proposed
Lot size	15,000 sq. ft.	<b>11,031 sq. ft.</b>	<b>N/C</b>
Frontage	100 feet	<b>87 feet</b>	<b>N/C</b>
Setbacks			
• Front	25 feet	<b>24.6 feet</b>	<b>N/C</b>
• Side	12.5 feet	<b>7.8 feet</b>	<b>8.5 feet</b>
• Rear	25 feet	50.1 feet	46.7 feet
FAR	.25	.24	<b>.32</b>
Building Height of addition	30 feet	N/A	21.9 feet
Maximum Stories	2.5	2.5	2.5
Max. Lot Coverage	20%	15.6%	19.7%
Min. Open Space	65%	72.7%	71%

2. Per the applicant's assertion (but without confirmation on a stamped site plan), the subject property is currently conforming with respect to Floor Area Ratio. A signed and stamped plan drawn by a licensed professional confirming the existing FAR calculation should be submitted with the Special Permit application. The proposed addition will exceed the allowed FAR in the SR-1 zone. The

proponent needs a Special Permit from the Board of Aldermen under Section 30-15, Table 1, Footnote 5.

3. The subject property is legally nonconforming with respect to side setback on the northeast side (location of existing garage). The proposed addition is within the side setback, but does not increase the side setback nonconformity because it does not encroach farther into the setback (i.e. closer to the lot line). Per Section 30-21(a)(1)(a), the addition is allowed by right with respect to setbacks.
4. See “Zoning Relief Summary” below:

<i><b>Zoning Relief Summary</b></i>		
<i><b>Ordinance</b></i>	<i><b>Site</b></i>	<i><b>Action Required</b></i>
§30-15, Table 1, Footnote 5	Increase nonconformity with respect to FAR	SP per §30-24

Plans and materials reviewed:

- “Plan of Land in Newton, MA , 26 Acacia Avenue, Existing Conditions,” signed and stamped by Bruce Bradford, Professional Land Surveyor, dated October 31, 2008
- “Plan of Land in Newton, MA , 26 Acacia Avenue, Proposed Conditions,” signed and stamped by Bruce Bradford, Professional Land Surveyor, dated April 30 ,2009
- Architectural Plans drawn by R&R Design Inc, not stamped or dated as follows
  - West Elevation
  - East Elevation
  - North Elevation
  - South Elevation
  - Building Sections Dwg No. “A-3.0 through A-3.4”